

The City Record

Official Publication of the City of Cleveland

October the Ninth, Nineteen Hundred and Ninety-Six

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Charles L. Patton, Jr.
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Gary M. Paulenske
14	Helen K. Smith
15	James Rokakis
16	Patrick J. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Dale Miller
21	David M. McGuirk

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odellia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	4300 West 143rd Street	44135
21	David McGuirk	17101 Amber Drive	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
 Richard Werner, Executive Assistant for Governmental Affairs.
 Linda Willis, Director, Office of Equal Opportunity

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

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

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

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

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

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building
 1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural
 Building, 1925 St. Clair Avenue
 Environment - Carolyn Wallace, Acting Commissioner, Mural Building,
 1925 St. Clair Avenue
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
 field Road

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

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

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

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

DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
 Neighborhood Services - Festus Cassels, Commissioner.
 Neighborhood Development - Terri Hamilton, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

DEPT. OF AGING - Rm. 122, Susan Axelrod, Director

COMMUNITY RELATIONS BOARD - Room 11, Jackie R. Whitner,
 Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary
 Adele Springman, Vice-Chairman; Councilmen Michael Polensek and
 Edward Rybka, City Council Representatives; Louise Boddie, Jr., Muqit
 Abdul Sabur, Clifford Savren, Henry Simon, George S. Smilnak, Harry
 Taketa, Timothy Cosgrove.

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,
 President; _____, Vice President; Donna K. Nelson, Secretary;
 Timothy J. Cosgrove, 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, Valerie Schwonek, Chairman;
 Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony
 Petkovsek, Anthony Costanzo, Sec'y.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room
 516, J. F. Denk, Chairman; J. Bowes, S. K. Birch, Alternate Members - D.
 Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan. Exec. Sec'y.

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

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

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

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director;
 Rev. Albert T. Rowan, Chairman; Todd W. Schmidt, Vice Chairman Thomas
 D. Corrigan, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean
 Pinkney, Councilman Edward W. Rybka.

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

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, _____,
 Councilmen James Rokakis, Jay Westbrook.

BOARD OF EXAMINERS OF ELECTRICIANS - Ralph R. Carpinelli,
 Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort
 J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;
 _____, Jozef Valencik, Martin Gallagher,
 Laszlo V. Kemes, Secretary.

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

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

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

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

The City Record



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WEDNESDAY, OCTOBER 9, 1996

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CITY COUNCIL

MONDAY, OCTOBER 7, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; O'Malley, Vice Chairman; Britt, Johnson, McGuirk, Melena, Smith, Westbrook, White.

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

MONDAY

2:00 P.M.—**Finance Committee:** Rokakis, Chairman; Westbrook, Vice Chairman; Coats, Johnson, Lewis, McGuirk, Patton, Polensek, Robinson, Rybka, Smith.

TUESDAY

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

1:30 P.M.—**Legislation Committee:** McGuirk, Chairman; Willis, Vice Chairman; Britt, Johnson, Patton, Rokakis, Rybka.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Miller, Chairman; Paulenske, Vice Chairman; McGuirk, Patton, Rokakis, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Jackson, Miller, O'Malley, Patton, Patton, Paulenske, Zone.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Lewis, McGuirk, O'Malley, Patton, Willis, Zone.

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

The following Committee is subject to Call of the Chairman:

Rules Committee: Westbrook, Chairman; Coats, Miller, Robinson, Smith.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio October 7, 1996.

The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, Willis.

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

Absent: Directors Sobol Jordan, Acting Director Whitner.

The opening prayer was dispensed with. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1823-96.

From the Civil Service Commission re: The establishment of the classification for Assistant Commissioner for the Division of Printing and Reproduction. Received.

File No. 1824-96.

From the Division of Purchases and Supplies re: Sales Request No. 90149 for sale or lease of property located on the southwest corner of Kirtland Park at East 49th Street and South Marginal Road. Received.

File No. 1825-96.

From National City Trust re: The L.C. Hanna, Jr./Cleveland Mall Fund, Investment and Transaction Statement from July 1, 1996 through September 30, 1996. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1826-96.

Re: Transfer of Ownership Application - 7643289 - STG Restaurant Corp., 12800 Larchmere Avenue, first floor and basement. (Ward 6). Received.

File No. 1827-96.

Re: Transfer of Location Application - 6315814 - Nature's Treats, Inc., 633 Euclid Avenue. (Ward 13). Received.

File No. 1828-96.

Re: Stock Application - 0406665 - Balkan Chalet, Inc. dba Marie's Restaurant, 4502-04 St. Clair Avenue, first floor and basement. (Ward 13). Received.

STATEMENT OF WORK ACCEPTED

File No. 1829-96.

From the Department of Public Safety re: Contract No. 49992 for the improvement of jail cells (fabrication and installation of safety screens). Received.

COMMUNICATIONS

File No. 1830-96.

October 2, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Anthony J. Coyne for reappointment to the City Planning Commission. This appointment is effective immediately upon approval by Council and will expire on November 2, 2000.

Thank you for your consideration

Sincerely,

Michael R. White
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1831-96.

October 2, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Larry Lumpkin for reappointment to the City Planning Commission. This

appointment is effective immediately upon approval by Council and will expire on November 2, 2000.

Thank you for your consideration

Sincerely,

Michael R. White
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1832-96.

October 2, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Velma McEwen Strode for appointment to the Landmarks Commission. This appointment is to fill a vacancy and is effective immediately upon approval by Council and will expire on December 31, 1997.

Thank you for your consideration

Sincerely,

Michael R. White
Mayor

Received. Referred to Committee on Mayor's Appointments.

**COMMITTEE ON
MAYOR'S APPOINTMENTS**

The Chair appointed Councilman Dale Miller as Chairman and Councilmen Craig Willis, Gary Paulenske, Charles L. Patton, Jr., and Michael D. Polensek to consider the Mayor's appointments.

CONDOLENCE RESOLUTIONS

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

Res. No. 1854-96. Rodger Kolasunas.

Res. No. 1855-96. Fred Young, Sr.

Res. No. 1856-96. Martha Lee Lauderdale Harris.

Res. No. 1857-96. George Calabrese.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1858-96. Aspinwall Church of God Mountain Assembly.

Res. No. 1859-96. Ann and Edward Hines.

Res. No. 1860-96. Mr. and Mrs. Albert Andre.

Res. No. 1861-96. St. Helena Romanian Catholic Church.

Res. No. 1862-96. Chester and Wilma Pianka.

Res. No. 1863-96. Clifford and Evonne Olson.

Res. No. 1864-96. John and Muriel Edmonds.

Res. No. 1865-96. Michael A. Hume-ston.

Res. No. 1866-96. Rev. Ralph Bodziony.

Res. No. 1867-96. Stanley Lesniewski.

Res. No. 1868-96. Violet F. Paul.

Res. No. 1869-96. Councilwoman Fannie M. Lewis.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1833-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ software development, engineering and data processing consultants to provide professional services necessary to design, develop and implement the Geographic Information System and related record management systems and authorizing the purchase of equipment, materials, and supplies necessary to develop such systems for the Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to employ by contract a software development assistance firm to purchase, lease, or license a computer software program for a Geographic Information System ("GIS") and related record management systems, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional data processing programming and software development assistance necessary to develop such computer software program.

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

Section 2. That the Director of Public Service is hereby authorized to make a written contract for the purchase, lease, or lease with option to purchase in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: ancillary data processing supplies and equipment, data processing system equipment, data processing software, office equipment and other materials and supplies as may be necessary for the design, development and implementation of a GIS and related record management systems, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Service.

Section 3. That the Director of Public Service is hereby authorized to employ by contract one or more engineering, surveying or data processing consultants or firms of engineering, surveying or data processing consultants and such other professional consultants as are necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, develop and implement a

GIS and related record management systems, including field surveying and global positioning.

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

Section 4. That the costs for such services herein authorized shall be paid from Fund Nos. 20 SF 334, 20 SF 322, and 20 SF 312, Request No. 21924.

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

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

Ord. No. 1834-96.

By Councilman Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and bounded by East 55th to East 65th Streets, north to Central and south to Quincy Avenue to Burten, Bell and Carr Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-040, as more fully described in Section 2 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-28-040

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

Southerly 40 feet of the Northerly 148 feet of Sublot No. 244 in W. S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 59th Street, (formerly First Avenue) and extending back between parallel lines 50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Covenants and restrictions recorded in Volume 1637, Page 244 of Cuyahoga County Records.

Subject to Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Zoning Ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-041, as more fully described in Section 4 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-28-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 108 feet of Sublot No. 244 in W. S. Chamberlain's Allotment of part of Original 100 Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Central Avenue, S.E., (formerly Garden Street), and extends back between parallel lines 108 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-042, as more fully described in Section 6 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-28-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 41 feet from front to rear of Sublot No. 243, in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 41 feet front on the Southerly side of Central Avenue, S.E. and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 118-29-003, as more fully described in Section 8 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Chamberlain Allotment of part of Original 100 Acre Township Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Southerly side of Central Avenue (formerly Garden Street) and extending back between parallel lines 160 feet deep, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-004, as more fully described in Section 10 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 53 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Southerly side of Central Avenue (formerly Garden Street) and extending back between parallel lines 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-005, as more fully described in Section 12 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 54 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Central Avenue, S.E. (formerly Garden Street) and extending back between parallel lines 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous

Volume 111, Page 43 of Cuyahoga County Records.

Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-006, as more fully described in Section 14 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 55 W.S. and M. W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet on the Southerly side of Central Avenue, S.E. (formerly Garden Street) and extends back between parallel lines 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-007, as more fully described in Section 16 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 103 feet of Sublot No. 56 in W. S. And M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said part of Sublot No. 56 has a frontage of 40 feet on the Southerly side of Central Avenue, S.E. (formerly Garden Street) and extends back between parallel lines 103 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-009, as more fully described in Section 18 below, to Burten, Bell and Carr Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 118-29-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 96 in W. S. And M.W. Chamberlain Subdivision of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat

in Volume 3 of Maps, Page 28 of Cuyahoga County Records and bounded and described as follows: Beginning at the intersection of the Easterly line of East 61st Street with the Southerly line of Central Avenue, S.E.; thence Easterly along the Southerly line of Central Avenue, S.E.; 40-00/100 feet to the Northeastly corner of said Sublot No. 96; thence Southerly along the Easterly line of said Sublot No. 96, 124-77/100 feet; thence Westerly parallel with the Southerly line of Central Avenue S.E. 40-00/100 feet; thence Westerly parallel with the Southerly line of Central Avenue S.E. 40-00/100 feet to the Easterly line of East 61st Street; thence Northerly along the Easterly line of East 61st Street, 124-77/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-011, as more fully described in Section 20 below, to Burten, Bell and Carr Development Corporation or designee.

Section 20. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 118-29-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 98 in W. S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Said Sublot No. 98 has a frontage of 40 feet on the Southerly side of Central Avenue S.E. and extends back between parallel lines 160 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-012, as more fully described in Section 22 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 99 in W.S. and M.W. Chamberlain's Allotment of a part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Central Avenue S.E. and extending back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 118-29-013 and 118-29-014, as more fully described in Section 24 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-013 and 014

PARCEL NO. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 101 in W. S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 101 has a frontage of 40 feet on the Southerly side of Central Avenue S.E., (formerly Garden Street), and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PARCEL NO. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 100 in W.S. and M.W. Chamberlain's Allotment of part of Original one hundred acre lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Southerly side of Central Avenue S.E. and extends back between parallel lines 160 feet deep as appears by said plat be the same more or less, but subject to all legal highways.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-071, as more fully described in Section 26 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of the Southerly 57 feet of Sublots Nos. 56 and 57 in W.S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Said parts of Sublots Nos. 56 and 57 together form a parcel of land having a frontage of 30 feet on the Westerly side of East 61st Street (formerly Lodge Avenue), and extending back between parallel lines 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-072, as more fully described in Section 28 below, to Burten, Bell and Carr Development Corporation or designee.

Section 28. That the real property

to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P.P. No. 118-29-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 27 feet of Sublots Nos. 56 and 57 in W.S. and M.W. Chamberlain's Allotment of part of Original 100 Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Said parts of Sublots Nos. 56 and 57 together form a parcel of land having a frontage of 27 feet on the Westerly side of East 61st Street (formerly Lodge Avenue), and extending back between parallel lines 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-109, as more fully described in Section 30 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 103 in the Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335, as shown by the recorded plat of Said Subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records, bounded as follows:

Beginning at a point in the Westerly side of East 63rd Street distant Northerly 35-56/100 feet from the Southeastly corner of said Sublot No. 103; thence Northerly along the Westerly side of East 63rd Street, 50-00/100 feet to a point; thence Westerly, 40-00/100 feet to an iron pin in the Westerly line of said Sublot No. 103, which from pin is distant Northerly 85-56/100 feet from the Southwestly corner of said Sublot No. 103; thence Southerly along the Westerly line of said Sublot; 50-20/100 feet to an iron pin; thence Easterly 40-00/100 feet to the place of beginning.

Together with and subject to an easement over the Southerly four feet of the property next North of and adjoining the above described premises and over the Northerly four feet of the above described property extending from the Westerly line of East 63rd Street, Westerly to the Westerly line of said Sublot No. 103, to be used by the Grantor and Grantee and their respective heirs and assigns forever, as a means of ingress and egress to their respective lands, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways. Easement recorded in Volume 9728, Page 324 of Cuyahoga County Records.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 118-29-111, as more fully described in Section 32 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-29-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 98 in the W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Said Sublot No. 98 has a frontage of 40 feet on the Southerly side of Central Avenue S.E. and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-001, as more fully described in Section 34 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 144 in the W. S. and M. W. Chamberlain Subdivision of part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, page 28 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Easterly line of East 63rd Street (formerly Richland Avenue) at the Northwest corner of said Sublot No. 144; thence Southerly along the Easterly line of East 63rd Street, 47-57/100 feet; thence Easterly 40 feet to a point 47-52/100 feet Southerly from the Southerly line of Central Avenue S.E.; thence Northerly 47-52/100 feet to the Southerly line of Central Avenue S.E.; thence Westerly along the Southerly line of Central Avenue S.E. 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Easement recorded in Volume 1369, Page 428 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-002, as more fully described in Section 36 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-002

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 145 in W. S. and M. W. Chamberlain's Subdivision of part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Southerly side of Central Avenue S.E. and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-003, as more fully described in Section 38 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 146 in W.S. and M. W. Chamberlain's Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat of said allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Central Avenue, S.E. and extending back between parallel lines, 160 feet deep as appears by said plat be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-054, as more fully described in Section 40 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 144 in W.S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lot Nos. 334 and 335, the plat of which is recorded in Volume 3 of Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Easterly line of 63rd Street (formerly Richard Avenue) 80 feet Southerly from the Southerly line of Central Avenue; thence Easterly, parallel with Central Avenue, 40 feet; thence Southerly, parallel with East 63rd Street (formerly Richland Avenue) 30 feet; thence Westerly, parallel with Central Avenue, 40 feet to the Easterly line of East 63rd Street (formerly Richland Avenue) thence Northerly along East 63rd Street (formerly Richland Avenue), 30 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 118-30-055, as more fully described in Section 42 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 144 in W.S. and M.W. Chamberlain's Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 63rd Street (formerly Richland Avenue) at a point 47.57 feet Southerly from its point of intersection with the Southerly line of Central Avenue S.E. (formerly Garden Street); thence Easterly 40 feet to a point on the Easterly line of said Sublot No. 144, 47.52 feet Southerly from the Southerly line of Central Avenue S.E.; thence Southerly along said Easterly line of Sublot No. 144, 32.48 feet; thence Westerly on a line parallel to said Southerly line of Central Avenue, S.E. 40 feet to the Easterly line of East 63rd Street.; thence Northerly along the Easterly line of East 63rd Street, 32.43 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-041, as more fully described in Section 44 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records as appears by said plat, be the same more or less, but subject to all legal highways.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-042, as more fully described in Section 46 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 133 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the record-

ed plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-043, as more fully described in Section 48 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet of Sublot No. 134 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back of equal width 160 feet, be the same more or less, but subject to all legal highways.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-044, as more fully described in Section 50 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the northerly five feet of Sublot 134 and all of Sublot 135, Chamberlain's Subdivision, Plat Book 3, Page 28, Cuyahoga County Records, 45 feet on the easterly side of East 63rd Street, extending back between parallel lines 160 feet, be the same more or less, but subject to all legal highways.

Section 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-045, as more fully described in Section 52 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 136 in W.S. and M.W. Chamberlain's allotment of a part of Original 100 acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and being 160 feet deep, be the same more or less, but subject to all legal highways.

Section 53. That pursuant to Sec-

tion 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-046, as more fully described in Section 54 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 137 in W.S. and M.W. Chamberlain's Subdivision of part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of Richland Avenue (now known as E. 63rd Street) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-047, as more fully described in Section 56 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 138 in The Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 138 has a frontage of 40 feet on the Easterly side of East 63rd Street (formerly Richland Avenue) and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-048, as more fully described in Section 58 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 139 in Chamberlain Allotment of part of Original 100 Acre Lot Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 118-30-049, as more fully described in Section 60 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 140 in Chamberlain Allotment of part of Original 100 Acre Lot No. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records as appears by said plat, be the same more or less, but subject to all legal highways.

Section 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-050, as more fully described in Section 62 below, to Burten, Bell and Carr Development Corporation or designee.

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

P.P. No. 118-30-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 141 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back of equal width 160 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-051, as more fully described in Section 64 below, to Burten, Bell and Carr Development Corporation or designee.

Section 64. That the real property to be sold pursuant to Section 63 of this Ordinance is more fully described as follows:

P.P. No. 118-30-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 142 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-052, as more fully described in Section 66 below, to Burten, Bell and Carr

Development Corporation or designee.

Section 66. That the real property to be sold pursuant to Section 65 of this Ordinance is more fully described as follows:

P.P. No. 118-30-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 143 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Richland Avenue, (now known as East 63rd Street), and extending back of equal width 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions of record and zoning ordinances, if any.

Section 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-019, as more fully described in Section 68 below, to Burten, Bell and Carr Development Corporation or designee.

Section 68. That the real property to be sold pursuant to Section 67 of this Ordinance is more fully described as follows:

P.P. No. 118-29-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 106 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-020, as more fully described in Section 70 below, to Burten, Bell and Carr Development Corporation or designee.

Section 70. That the real property to be sold pursuant to Section 69 of this Ordinance is more fully described as follows:

P.P. No. 118-29-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 107 in W. S. And M. W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 63rd Street (formerly Richland Avenue) at the Southeastly corner of said Sublot No. 107; thence Northerly, along said Westerly line of East 63rd Street, 4 feet; thence Westerly and parallel with the Southerly line of said Sublot, 100 feet; thence Northerly and parallel with said Westerly line of East 63rd Street, 36 feet to the Northerly line of said Sublot; thence Westerly along the Northerly line of said Sublot, 60 feet to the northwestly corner thereof; thence Southerly

along the Westerly line of said Sublot, feet to the Southwestly corner thereof; thence Easterly along the Southerly line of said Sublot 160 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-025, as more fully described in Section 72 below, to Burten, Bell and Carr Development Corporation or designee.

Section 72. That the real property to be sold pursuant to Section 71 of this Ordinance is more fully described as follows:

P.P. No. 118-29-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 112 in W. S. and M. W. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 63rd Street, (formerly Richland Avenue), and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-026, as more fully described in Section 74 below, to Burten, Bell and Carr Development Corporation or designee.

Section 74. That the real property to be sold pursuant to Section 73 of this Ordinance is more fully described as follows:

P.P. No. 118-29-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 113 in W.S. and M.W. Chamberlain's Allotment of part of Original 100 Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 63rd Street and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-027, as more fully described in Section 76 below, to Burten, Bell and Carr Development Corporation or designee.

Section 76. That the real property to be sold pursuant to Section 75 of this Ordinance is more fully described as follows:

P.P. No. 118-29-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in W. S. and M. W. Chamberlain's Allotment of part of Original

One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

Section 77. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-065, as more fully described in Section 78 below, to Burten, Bell and Carr Development Corporation or designee.

Section 78. That the real property to be sold pursuant to Section 77 of this Ordinance is more fully described as follows:

P.P. No. 118-29-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 59th Street, and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 79. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-066, as more fully described in Section 80 below, to Burten, Bell and Carr Development Corporation or designee.

Section 80. That the real property to be sold pursuant to Section 79 of this Ordinance is more fully described as follows:

P.P. No. 118-29-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in W. S. Chamberlain's Subdivision of part of original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said subdivision in Volume 3 of Maps, Page 28 of Cuyahoga County Records. Said Sublot No. 47 has a frontage of 40 feet on the Easterly side of East 59th Street, (formerly First Avenue) and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances if any.

Section 81. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-104, as more fully described in Section 82 below, to Burten, Bell and Carr Development Corporation or designee.

Section 82. That the real property to be sold pursuant to Section 81 of this Ordinance is more fully described as follows:

P.P. No. 118-29-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 92 in W.S. and M.W. Chamberlain allotment of part of original 100 acre Lots Nos. 334 and 335 as shown

by the recorded plat of said allotment in Volume 3 of maps Page 28 of Cuyahoga County Records Sublot No. 92 has a frontage of 40 feet on the Easterly side of E. 61st Street (formerly Lodge Avenue) and extends back between parallel lines 160 feet and is 40 feet wide in the rear as appears by said plat.

Subject to Zoning Ordinances, if any.

Section 83. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-106, as more fully described in Section 84 below, to Burten, Bell and Carr Development Corporation or designee.

Section 84. That the real property to be sold pursuant to Section 83 of this Ordinance is more fully described as follows:

P.P. No. 118-29-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 94 in Chamberlain Allotment of part of Original 100 Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records as appears by said plat, be the same more or less, but subject to all legal highways.

Section 85. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-107, as more fully described in Section 86 below, to Burten, Bell and Carr Development Corporation or designee.

Section 86. That the real property to be sold pursuant to Section 85 of this Ordinance is more fully described as follows:

P.P. No. 118-29-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 in The Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 61st Street (formerly Lodge Avenue) and extending back between parallel lines 160 feet, as appears by said plat.

Subject to zoning ordinances, if any.

Section 87. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-112, as more fully described in Section 88 below, to Burten, Bell and Carr Development Corporation or designee.

Section 88. That the real property to be sold pursuant to Section 87 of this Ordinance is more fully described as follows:

P.P. No. 118-29-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 107 in W.S. and M.W. Chamberlain's Subdivision of part of Original One Hundred Acre Lot Nos. 334 and 335 as shown by the record-

ed plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of East 63rd Street (formerly Richland Avenue) at the Northeast corner of said Sublot No. 107; thence Southerly along said Westerly line of East 63rd Street, 36 feet; thence Westerly and parallel with said Westerly line of East 63rd Street 36 feet to the Northerly line of said Sublot; thence Easterly along said Northerly line 100 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 89. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-021, as more fully described in Section 90 below, to Burten, Bell and Carr Development Corporation or designee.

Section 90. That the real property to be sold pursuant to Section 89 of this Ordinance is more fully described as follows:

P.P. No. 118-28-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 60 feet of Sublots Nos. 227 and 228 in the W.S. Chamberlain's Subdivision of part of Original 100 Acre Lot No. 334 as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records.

Said Southerly 60 feet of said Sublot Nos. 227 and 228 together form a parcel of land having a frontage of 100 feet 3/4 inches on the Northerly side of Quincy Avenue S.E. and extending back between parallel lines 60 feet on the Easterly line of said land being the Westerly line of East 59th Street, formerly First Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 91. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-022, as more fully described in Section 92 below, to Burten, Bell and Carr Development Corporation or designee.

Section 92. That the real property to be sold pursuant to Section 91 of this Ordinance is more fully described as follows:

P.P. No. 118-28-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of the Southerly 90 feet of Sublots Nos. 227 and 228 in W. S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 59th Street (60 feet wide) (formerly First Avenue), and extending back of equal width 100 feet 3/4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 93. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-28-038, as more fully described in Section 94

below, to Burten, Bell and Carr Development Corporation or designee.

Section 94. That the real property to be sold pursuant to Section 93 of this Ordinance is more fully described as follows:

P.P. No. 118-28-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet from front to rear of Sublot No. 240 in W. S. Chamberlain's Allotment of part of Original 100 Acre Lot No. 334 as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 35 feet front on the Westerly side of First Avenue (now known as East 59th Street) and extending back of equal width 150 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Section 95. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-30-053, as more fully described in Section 96 below, to Burten, Bell and Carr Development Corporation or designee.

Section 96. That the real property to be sold pursuant to Section 95 of this Ordinance is more fully described as follows:

P.P. No. 118-30-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 144 of the Subdivision by W.S. and M.W. Chamberlain of a part of Original One Hundred Acre Lot Nos. 334 and 335 in said City of Cleveland, reference being had to the Survey and plat of said Subdivision recorded in Cuyahoga County Records of Maps, Volume 3, Page 28. The part of said Sublot No. 144 hereby conveyed is the rear 50 feet of the same, fronting 50 feet on Richland Avenue (now known as East 63rd Street) and extending back of equal width a depth of 40 feet, be the same more or less, but subject to all legal highways.

Section 97. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 98. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 99. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 100. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

Ord. No. 1835-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept ski lessons and other related services for children enrolled in City programs in exchange for a ski lift located at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties.

Whereas, Section 181.19 authorizes the sale of personal property owned by the City of Cleveland when no longer needed for a public purpose; and

Whereas, the Department of Parks, Recreation and Properties owns a ski lift which is no longer needed for use by the City; and

Whereas, the Division of Purchases and Supplies has received bids for said personal property; and

Whereas, the highest and best bid is for in kind services having a value exceeding the highest cash bid in lieu of payment; and

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

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

Section 1. That, notwithstanding and as an exception to Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to accept the August 5, 1996 bid of Brandywine/Boston Mills Ski Resort to provide ski lessons for approximately thirty-five children enrolled in City programs, in exchange for a ski lift located at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties. The Director of Parks, Recreation and Properties is authorized to execute all documents or agreements and do all things necessary to effectuate the exchange of services for property authorized herein.

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

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Parks, Property and Recreation, Finance.

Ord. No. 1836-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1328 Ansel Road to Leonzie Smith.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-12-178, as more fully described in Section 2 below, to Leonzie Smith.

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

P.P. No. 107-12-178

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in The Park View Subdivision of part of Original One Hundred Acre Lot No. 385 ad Re-subdivision of John Hewitt's Allotment in Volume 7 of Maps, Page 10 of Cuyahoga County Records, as shown by the recorded plat of said Re-subdivision in Volume 31 of Maps, Page 15 of Cuyahoga County Records. Said Sublot No. 2 has a frontage of 40 feet on the Southwesterly side of Ansel Road N.E. (formerly Ansel Avenue), and extends back 130 feet on the Southeasterly line, 89-95/100 feet on the Northwesterly line and has a rear broken line of 59-26/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

Ord. No. 1837-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1778 Crawford to Harry and Mary Sykes.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-03-031, as more fully described in Section 2 below, to Harry and Mary Sykes.

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

P.P. No. 119-03-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 399 and also part of Sublot No. 10 in the Oliver Hough Heirs' allotment of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 3 of Maps, Page 21 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of Crawford Road N.E. (60 feet wide) at its point of intersection with the Southerly line of Brookline Avenue, N.E. (30 feet wide); thence Westerly along said Southerly line of Brookline Avenue, N.E., 220.54 feet; thence Southerly on a line at right angles with said Southerly line of Brookline Avenue, N.E., 60 feet to the Southerly line of said Sublot No. 10; thence Easterly along said Southerly line of said Sublot No. 10, about 86.58 feet to a point in said Southerly line, which is 91.71 feet Westerly from its point of intersection with said Northwesterly line of Crawford Road, N.E.; thence Southeasterly along the Northeasterly line of land conveyed by F. B. Fox and wife, to Miles E. Williams by deed recorded in Volume 446,

Page 332 of Cuyahoga County Records, 75.05 feet to the Northwesterly line of Crawford Road, N.E.; thence Northeasterly along said Northwesterly line of Crawford Road, N.E.; about 126 feet to the point of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1838-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1754-1758 East 65 Street and 1758 East 65 Street to Roberta M. Johnson-Cooke and Harry E. Cooke, II.

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

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

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

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

Section 1. That pursuant to Sec-

tion 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-03-001 and 118-03-002, as more fully described in Section 2 below, to Roberta M. Johnson-Cooke and Harry E. Cooke, II.

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

P.P. No. 118-03-001

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 337, bounded and described, as follows:

Beginning at the intersection of the Westerly line of East 65th Street, 46 feet wide, with the Southerly line of Hough Avenue, N.E., 60 feet wide; thence Southerly 50.50 feet along said Westerly line of East 65th Street to a point; thence Westerly 86.97 feet parallel to said Southerly line of Hough Avenue, N.E., to a point; thence Northerly, 50.50 feet parallel to the Westerly line of said set off to Loretta J. Pier in the Partition of the Rufus Dunham Estate to a point in the Southerly line of Hough Avenue, N.E.; to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 337, bounded and described as follows:

Beginning in the Southerly line of Hough Avenue, N.E., at its intersection with the Westerly line of land set off to Loretta J. Pier in the Partition of the Rufus Dunham Estate; thence Southerly, 50.50 feet along said Westerly line to a point; thence Easterly, 50.50 feet parallel to said Southerly line of Hough Avenue, N.E., to a point; thence Northerly, 50.50 feet parallel to the Westerly line of land so set off to Loretta J. Pier to a point in the Southerly line of Hough Avenue, N.E.; thence Westerly, 50.50 feet along said Southerly line of Hough Avenue, N.E., to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 337, bounded and described as follows:

Beginning at a point in the Westerly line of East 65th Street, 46 feet wide, distant Southerly 50.50 feet measured along said Westerly line from its intersection with the Southerly line of Hough Avenue, N.E.; thence Southerly, 40.50 feet along said Westerly line of East 65th to a point; thence Westerly, 137.52 feet parallel to the Southerly line of Hough Avenue, N.E., to a point in the Westerly line of land set off to Loretta J. Pier in the Partition of the Rufus Dunham Estates; thence Northerly, 40.50 feet along said Westerly line of land so set off to point; thence Easterly 137.47 feet parallel to said Southerly line of Hough Avenue, N.E., to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That all documents nec-

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

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

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

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

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

Ord. No. 1839-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1487 East 71 Street to George Thomas.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-10-137, as more fully described in Section 2 below, to George Thomas.

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

P.P. No. 106-10-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet of the Westerly 66 feet of Sublot No. 18 in S.A. Dellenbaugh's Subdivision of part of Original One Hundred Acre Lot No. 342, as shown by the recorded plat of said Subdivision in Volume 13 of Maps, Page 25 of Cuyahoga County Records, said part of Sublot No. 18 has a frontage of 20 feet on the Easterly side of East 71st Street (formerly Giddings Avenue), and extends back between parallel lines 66 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1840-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1228 East 84 Street to Henry and Rosetta Barksdale.

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

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

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-09-166, as more fully described in Section 2 below, to Henry and Rosetta Barksdale.

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

P.P. No. 107-09-166

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10, in A. Poelking's Subdivision of part of Original One Hundred Acre Lots Nos. 375 and 383, as shown by the recorded plat in Volume 23 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 84th Street, and extending back 104.82 feet on the Northerly line, 104.84 feet on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1841-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6906 Quincy Avenue to Clara M. Gardner.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-15-064, as more fully described in Section 2 below, to Clara M. Gardner.

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

P.P. No. 106-15-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 200 and 201 in Streater and Adams' Re-Subdivision of Streater and Adams' Subdivision of part of Original One Hundred Acre Lot Nos. 338 and 341, as shown by the recorded plat in said Re-Subdivision in Volume 13 of Maps, Pages 6 and 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point on the Southerly line of Quimby Avenue, N.E., (formerly Quimby Street) 111 feet and 2 inches Westerly from the Westerly line of East 70th Street (formerly Russell Avenue); thence Southerly on a line parallel with the Westerly line of said East 70th Street, 91.78 feet to the Southerly line of Sublot No. 201; thence Westerly along said Southerly line 35 feet; thence Northerly on a line parallel with the first described line, 91.78 feet to the Southerly line of Quimby Avenue, N.E., thence Easterly on the Southerly line of Quimby Avenue, N.E., 35 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance

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

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

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

Ord. No. 1842-96.

By Councilmen Lewis, Jackson and Rokakis (by departmental request).

An emergency ordinance to amend the title, Sections 1, 2, 3 and 4 of Ordinance No. 607-95, passed June 5, 1995, relating to a contract with LNH, Inc., or its designee.

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, Sections 1, 2, 3 and 4 of Ordinance No. 607-95, passed June 5, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with LNH, Inc., or its designee, to provide economic development assistance to partially finance **improvements including any machinery and equipment acquisition to a gas station/mini mart** located at 7318 Superior Avenue, Cleveland, Ohio, 44103.

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with LNH, Inc., or its designee, to provide economic development assistance to partially finance **improvements including any machinery and equipment acquisition to a gas station/mini mart** located at 7318 Superior Avenue, Cleveland, Ohio, 44103.

Section 2. **That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 607-95-A.**

Section 3. That the costs of said contract shall not exceed **Sixty Three Thousand Dollars (\$63,000.00)**, and shall be paid from Fund No. 17 SF 008, Request No. 22425.

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

Section 2. That the existing title, Sections 1, 2, 3, and 4 of Ordinance No. 607-95, passed June 5, 1995, are hereby repealed.

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

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

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

Ord. No. 1843-96.

By Councilmen Robinson, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use known as Kingsbury Run Park to Mt. Pleasant Now Development Corporation, or its designee.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and known as Kingsbury Run Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Block "B" - along Herron Row at Kingsbury
PPN: 127-18-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Block "B" in the Herron Row at Kingsbury Subdivision of part of Original Newburg Township Lots Nos. 441, 442 and 443 as shown by the recorded plat in Volume 265, Page 67 and refiled in Volume 266, Page 8 of Cuyahoga County Records and being bounded and described as follows:

Beginning at a point on the Northerly curved line of Kingsbury Blvd., S.E. (70 feet wide) at the Southwesterly corner of Sublot No. 33 in said Subdivision;

Thence along an arc of a curve in said Kingsbury Blvd., S.E. deflecting to the right having a radius of 410.42 feet, an arc distance of 230.15 feet, a chord which bears North 64° 17' 21" West, 227.15 feet to a point of tangency therein;

Thence continuing along a Northeasterly line of Kingsbury Blvd., S.E., North 48° 13' 28" West, 298.25 feet to the Southeasterly corner of Sublot No. 34 in said Herron Row at Kingsbury Subdivision;

Thence North 41° 46' 32" East along the Southeasterly line of Sublot No. 34 in said Subdivision, 251.05 feet to the Northeasterly corner thereof, said point lying in the Northeasterly line of the Herron Row at Kingsbury Subdivision;

Thence South 30° 38' 01" East, along the Northeasterly line of said Herron Row at Kingsbury Subdivision 121.55 feet to a point of curvature therein;

Thence continuing along said Northeasterly line of Herron Row at Kingsbury, being the arc of a circle

deflecting to the left, having a radius of 265.12 feet, an arc distance of 191.25 feet, a chord which bears South 51° 17' 58" East, 187.13 feet to a point of tangency therein;

Thence continuing along the Northerly line of said Herron Row at Kingsbury Subdivision, South 71° 57' 55" East 54.50 feet to its intersection with the Northwesterly corner of Sublot No. 33 in said Subdivision;

Thence South 00° 00' 16" East, along the Westerly line of said Sublot No. 33, 246.00 feet to the place of beginning and containing 2.2603 acres of land, as appears by said plat, be the same more or less but subject to all legal highways.

Herron Row at Kingsbury

PPN: 127-18-086 - Block "E"

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Block "E" in the Herron Row at Kingsbury Subdivision of part of Original Newburg Township Lots Nos. 441, 442 and 443 as shown by the Recorded Plat in Volume 266 of Maps, Page 8 thru 11 of Cuyahoga County Records and being bounded and described as follows:

Beginning at a point in the Easterly line of East 102nd Street, (50 feet wide) at the Southwesterly corner of said Block "E";

Thence North 0° 02' 24" West along said Easterly line of East 102nd Street, 219.88 feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 45.00 feet an arc distance of 96.70 feet, a chord which bears North 61° 31' 17" East, 79.14 feet to a point of reverse curvature in the Southeasterly line of Kingsbury Blvd., S.E. (70 feet wide);

Thence Southwesterly, along said curved line of Kingsbury Blvd., S.E. along the arc of a circle deflecting to the left having a radius of 480.42 feet, an arc distance of 277.43 feet, a chord which bears South 73° 27' 39" East, 273.59 feet to a point of tangency in said Southerly line of Kingsbury Blvd., S.E., North 89° 59' 44" East, 173.30 feet to a point of curvature therein;

Thence continuing along said Southerly line of Kingsbury Blvd., S.E. along the arc of a circle deflecting to the right, having a radius of 1337.70 feet, an arc distance of 202.31, a chord which bears South 85° 40' 18" East, 202.12 feet to a point of tangency therein;

Thence continuing, along said Southerly line of Kingsbury Blvd., S.E. South 81° 20' 21" East, 5.14 feet to a point at the Northwesterly corner of Sublot No. 16 as shown in said Herron Row at Kingsbury Subdivision;

Thence South 0° 41' 53" East, along the Westerly line of said Sublot No. 16, 155.04 feet to the Southerly line of said Herron Row at Kingsbury Subdivision;

Thence along said Southerly line of the Herron Row at Kingsbury Subdivision, being also the Southerly line of Block "E" as first aforesaid, South 89° 18' 07" West, 713.55 feet to the place of beginning and containing within said bounds 3.1194 acres of land, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Mt.

Pleasant Now Development Corporation, or its designee, at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Properties and Recreation, City Planning, Finance.

Ord. No. 1844-96.

By Councilmen White, Johnson, Jackson, Lewis, Rybka and Paulenske (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to WorldCom Network Services, Inc. to install, operate, and maintain an underground long distance telecommunications cable which will encroach into the right-of-way of various streets within the City of Cleveland.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to WorldCom Network Services, Inc., a Delaware Corporation, One Williams Center, P.O. Box 21348, Tulsa, Oklahoma 74121; its successors and assigns, for the construction, use and maintenance of an underground long distance telecommunications cable, which will encroach into the rights-of-way of various streets within the City of Cleveland at the locations more fully described as follows:

TELECOMMUNICATION CABLE CROSSING STREETS R/W IN CLEVELAND, OHIO

1. East 93rd Street at Broadway
2. Warner Road S.E.-Crossing between 4217-4239
3. Broadway S.E.-Crossing between 8501-8601
4. Harvard S.E. - Crossing between 8200-8500
5. Aetna Road S.E. - Crossing between 8300-8400
6. Union Avenue S.E. - Crossing between 8200-8300
7. Bessemer Avenue S.E. - Crossing between 8400-8300
8. Kinsman Road Viaduct - Crossing between 8400-8600

9. Holton Avenue S.E. - Crossing between 8400-8900

10. East 79th Street - Crossing between 2610-2670

11. Woodland Avenue S.E. - Crossing between 7700-7800

12. Platt Avenue S.E. - Crossing between 7500-7600

13. East 71st Street - Crossing between 2400-2415

14. Quincy Avenue S.E. - Crossing between 7019-7089

15. Central Avenue S.E. - Crossing between 6700-6800

16. Cedar Avenue - Crossing between 6100-6800

17. Carnegie Avenue S.E. - Crossing between 5905-6100

18. Euclid Avenue/SR 20 and East 55th Street Crossing

19. Chester Avenue N.E. /SR 322 - Crossing between 5100-5212

20. Perkins Avenue N.E. - Crossing between 4619-4699

21. Commerce (Hough) Avenue N.E. - Crossing between 4201 -4301

22. East 40th Street - Crossing between 1700-1774

23. Payne Avenue - Crossing between 3935-3955

24. Superior Avenue N.E./SR 6 - Crossing between 3715-3859

25. St. Clair Avenue N.E./SR 283 - Crossing between 3609-3715

26. Hamilton Avenue N.E. - Crossing between 3400-3500

27. East 33rd Street - Crossing between 1304-1240

28. I-90 (Aerial over I-90 in railroad balast) no DOT permit necessary

29. East 26th Street - Crossing between 1221-1150

30. 9th Street East - Crossing 135' North of #1140

31. Highway 2 (DOT)

32. West 3rd Street

Section 2. That said long distance telecommunications cable shall be placed in the public right-of-way at the locations as aforesaid, and shall be constructed in accordance with plans and a specifications approved by the Commissioner of Engineering and Construction.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1845-96.

By Councilman Coats.

An emergency resolution opposing passage of HR 1020/S. 1271 which could lead to the transport by railway and highway of high level radioactive waste from other states through the Cleveland area, or failing the above, to amend these bills to provide additional provisions.

Whereas, the Council of the City of Cleveland has been advised of legislation pending before the U.S. Congress, HR 1020/S. 1271, the Nuclear Waste Policy Act of 1995, which could lead to the transport by railway and highway of shipments of high level radioactive waste from other states through the Cleveland area; and

Whereas, the City Council and the appropriate City departments have attempted to inform themselves of the procedures to be used in these shipments and have taken all available precautions within their power; and

Whereas, in spite of assurances by responsible federal and state officials that shipment procedures are safe, there remain questions still unanswered regarding these procedures; and

Whereas, it is clear that the shipment of nuclear waste materials through the City of Cleveland represents an undesirable risk in the event of a catastrophic and unpredictable railway or highway accident; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the City of Cleveland is without sufficient emergency personnel, equipment and financial resources to safeguard its residents in the event of a major nuclear transport accident; now, therefore,

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

Section 1. That this Council hereby opposes passage of HR 1020/S. 1271 and urges the members of the General Assembly to vote against this threat to public health.

Section 2. That failing Section 1 of this resolution, to urge the members of the Senate and the General Assembly to support an amendment to these bills include the following: 1) to bar any shipment of irradiated fuel rods through the metropolitan Cleveland area until a deep-geological repository is available for permanent disposal; 2) to require the responsible federal agency or agencies to provide a written description with citations of Federal Regulations which justify the routing of this high level radioactive waste shipments through highly populated areas; and 3) to indemnify the City of Cleveland from accepting any liability for a risk of this magnitude for its residents or their properties.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Voinovich, the appropriate state and federal agencies and to the Speaker of the House of Representatives, the President of the Senate and the Ohio members of the United States Senate and the House of Representatives.

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

Referred to Director of Law; Committee on Public Service.

Res. No. 1846-96.**By Councilman O'Malley.**

An emergency resolution calling upon the Israeli and Palestinian leadership to heed United Nations Security Council Resolution No. 1073 (1996) which calls for an immediate reversal of all acts aggravating the situation in Jerusalem, the West Bank and the Gaza Strip and urging the immediate resumption of peace negotiations within the Middle East.

Whereas, recent events in Jerusalem, the West Bank and the Gaza Strip and clashes between the Israeli army and the Palestinian police have prompted the United Nations Security Council ("Security Council") to call for an immediate cessation and reversal of all acts which have aggravated the situation in the Middle East and which have negative implications for the Middle East peace process; and

Whereas, these events have directly or indirectly caused many deaths, injuries and casualties on both sides resulting from clashes between the Israeli army and the Palestinian police; and

Whereas, on September 26, 1996, a representative of Saudi Arabia, on behalf of the League of Arab States, sent the Security Council a letter asking the Security Council to address the recent escalation of violence and events in the Middle East; and

Whereas, on September 28, 1996, the Security Council adopted Resolution No. 1073 (1996) which, among other things, called for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process and, also, called for the safety and protection of Palestinian civilians to be ensured; and

Whereas, difficulties facing the Middle East peace process, and the deterioration of the situation, including *inter alia* its impact on the living conditions of the Palestinian people, would be further abated if all parties would fulfill their obligations reached in previous agreements; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the continuance of this dispute is likely to endanger international peace and security; now, therefore,

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

Section 1. That this Council hereby calls upon the Israeli and Palestinian leadership to heed Resolution No. 1073 (1996) of the United Nations Security Council which, among other things, calls for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation in the Middle East, and which have negative implications for the Middle East peace process, and, further, calls for the safety and protection of Palestinian civilians to be ensured.

Section 2. That this Council urges an immediate resumption of negotiations of the parties involved in the Middle East peace process and a timely implementation of all agreements reached.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Israeli and Palestinian representatives to

the United Nations and to the representatives of each member nation to the Security Council of the United Nations.

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

Referred to Director of Law; Committee on Finance.

Res. No. 1847-96.

**By Councilman Zone (by request).
An emergency resolution declaring the intention to vacate a portion of West 118th Street.**

Whereas, this Council is satisfied that there is good cause for vacating a portion of West 118th Street, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of:

WEST 118TH STREET (40.00 feet wide), extending Northerly from the Northerly line of Arden Avenue (50.00 feet wide), to the Southerly Limited Access Line of the I-90 Freeway.

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

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

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

Ord. No. 1848-96.**By Councilman Jackson.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Triedstone Baptist Church to stretch a banner in front of the church, 3782 Community College Avenue, for the period from January 1, 1997 to February 1, 1997, inclusive, publicizing its Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Triedstone Baptist Church to install, maintain and remove a banner in front of the church, 3782 Community College Avenue, for the period

from January 1, 1997 to February 1, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1849-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1540, 1544, 1546 East 86th Street to Lena Faye Hogue.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-22-024, 106-22-025 and 106-22-026, as more fully described in Section 2 below, to Lena Faye Hogue.

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

P.P. No. 106-22-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning on the Westerly line of East 86 Street at a point 391 feet

(Southerly measured along said Westerly line from the Southerly line of Wade Park Avenue N.E.; thence Southerly along said Westerly line of East 86th Street, 40 feet; thence Westerly on a line parallel to Wade Park Avenue N.E., 134 feet; thence Northerly on a line parallel to the Westerly line of East 86th Street, 40 feet; thence Easterly 134 feet to the place of beginning, being further known as Parcel No. 217 in L. M. Southern's proposed Wade Park Avenue allotment of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 106-22-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning at a point in the Westerly line of East 86th Street, (formerly Marcey Avenue) 431 feet Southerly from the Southerly line of Wade Park Avenue, N.E., thence Southerly along the Westerly line of East 86th Street, 40 feet; thence Westerly parallel with Wade Park Avenue, N.E., 134 feet; thence Northerly parallel with East 86th Street, 40 feet; thence Easterly parallel with Wade Park Avenue, N.E., 134 feet to the place of beginning and being further known as Parcel No. 207 in the L.M. Southern's proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Zoning Ordinances, if any.

P.P. No. 106-22-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning at a point in the Westerly line of East 86th Street (formerly Marcey Avenue) 471 feet Southerly from the intersection of said Westerly line with the Southerly line of Wade Park Avenue, N.E.; thence Southerly along the Westerly line of East 86th Street 40 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue, N.E., 134 feet; thence Northerly parallel with the Westerly line of East 86th Street 40 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E., 134 feet to the place of beginning, and being further known as Sublot No. 211 in L.M. Southern's Proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Zoning Ordinance, if any.

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

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

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

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1850-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6304-08 and 6312 Lexington Avenue to Christopher and Francine Hawkins.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-21-011 and 104-21-012, as more fully described in Section 2 below, to Christopher and Francine Hawkins.

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

P.P. No. 104-21-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 53 and 55 in the Luther and Arvilla Moses Subdivision of part of Original One Hundred Acre

Lot No. 340, as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southerly line of Lexington Avenue, N.E. (formerly Moses Avenue) at the Northeastly corner of said Sublot No. 55; thence Westerly along the Southerly line of Lexington Avenue N.E. 45 feet to the Northeastly corner of land conveyed to Sanley Rodo, by deed dated September 18, 1928 and recorded in Volume 3774, Page 380 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Rodo, 100.50 feet; thence Easterly and parallel to the Southerly line of Lexington Avenue, N.E. 45 feet to the Easterly line of Sublot No. 55; thence Northerly along the Easterly line of said Sublot No. 55, 100.50 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 104-21-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 102 feet of Sublot No. 57 in Luther and Arvilla Moses' Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records, and being parcel of land 40 feet front on the Southerly side of Lexington Avenue, N.E. (formerly Lexington Avenue) and extends back of equal width 102 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1851-96.

By Councilman Johnson.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 12916 Forest Avenue, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 6619509, Ozass Market & Deli Inc., 1192 Parkwood Drive, first floor, Cleveland, Ohio 44108, to Permit No. 8773165-0005, T & J Beverage Co., dba T & J Beverage Store, 12916 Forest Avenue, first floor and basement, Cleveland, Ohio 44120; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 6619509, Ozass Market & Deli Inc., 1192 Parkwood Drive, first floor, Cleveland, Ohio 44108, to Permit No. 8773165-0005, T & J Beverage Co., dba T & J Beverage Store, 12916 Forest Avenue, first floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1852-96.

By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a liquor permit at 11108 Primrose Avenue, and repealing Res. No. 1549-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a liquor permit at 11108 Primrose Avenue by Res. No. 1549-96, adopted August 14, 1996; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a liquor permit at 11108 Primrose Avenue be and the same is hereby withdrawn and Res. No. 1549-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1853-96.

By Councilman O'Malley.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4926 Denison Avenue, and repealing Res. No. 1505-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4926 Denison Avenue by Res. No. 1505-96, adopted August 14, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4926 Denison

Avenue be and the same is hereby withdrawn and Res. No. 1505-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 920-96.

By Mayor White and Councilmen Polensek and Rokakis.

An emergency ordinance authorizing the Mayor to apply for and accept a grant from the United States Department of Commerce, Minority Business Development Center for the operation of the 1996-97 Minority Business Development Center.

Approved by Directors of Equal Opportunity, Finance, Law; Recommended by Committee on Finance; when amended as follows:

1. In Section 1, line 3, strike the word "Center" and insert in lieu thereof "Agency".

2. In Section 1, lines 4 and 5, strike the words "Development Center" and insert in lieu thereof "Opportunity Committee".

3. In Section 2, in lines 3 and 4, strike "including the obligation to devote program income from client fees, estimated at \$17,500.00 for said program,"; and in line 6, strike "in cash matching funds in the sum of \$86,557.00" and insert in lieu thereof "in kind services in the amount of \$86,557.00 and cash matching funds in the sum of \$36,591.00".

Amendments agreed to.

Ord. No. 1183-96.

By Councilmen McGuirk, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a lease with Kamm's Development Corporation for the parking lot located on Albert Avenue.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In the title, line 5, strike "Albert" and insert in lieu thereof "Albers".

2. In Section 1, line 8, strike "City's" and insert in lieu thereof "City"; and in line 9, between "discretion" and the period insert the following: ", upon approval of Council by appropriate legislation; legislation renewing the lease shall be accompanied by an executive summary outlining any changes to the previous lease".

3. In Section 3, at the end, add the following sentence: "Within ten (10) days of execution of the lease authorized herein, and any amend-

ments thereto, a copy of same shall be delivered to Council and placed in File No. 1183-96-A."

Amendments agreed to.

Ord. No. 1282-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving the City Hall building; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects or engineers to provide professional services related to this improvement.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 1284-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, expanding or otherwise improving parks, recreation facilities, the West Side Market parking lot and park maintenance buildings; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of consultants to provide professional services related to this improvement.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance; when amended as follows:

1. In Section 1, line 4, between "buildings," and "for" insert "including the Humphrey Park Maintenance Facility, the Johnson Park Maintenance Facility and the East 40th Mall Station Maintenance Facility."

2. In Section 3, line 4, between "parks" and "and" insert "in even-numbered wards".

Amendments agreed to.

Ord. No. 1303-96.

By Councilmen Patton, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into agreements with the State of Ohio, through its Director of Transportation, for the adjustment of existing waterline facilities, as necessitated by the improvements to I-480, Snow Road, Chardon Road, East Aurora Road and Solon Road, in various communities.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Recommended by Committees on Public Utilities, City Planning, Finance.

Ord. No. 1306-96.

By Councilmen Robinson, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with various agencies for imple-

mentation of the Housing Opportunities for People with AIDS Program.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

Ord. No. 1320-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving McCafferty Health Center; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects, engineers and/or asbestos consultants to provide professional services related to this improvement.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 1433-96.

By Councilmen Britt, Coats, Rybka and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Cornell Road from Euclid Avenue to Murray Hill Road; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

Ord. No. 1440-96.

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

An emergency ordinance authorizing the Director of Public Safety to enter into and execute a Lease for land at the northwest corner of East 55th Street and Carnegie Avenue with Encore Manufacturing Corporation and Koch Showalter Company for a term not to exceed one year, with an option to renew one term not to exceed one additional year.

Approved by Directors of Public Safety, City Planning Commission, Finance, Law; Recommended by Committees on Public Safety, City Planning, Finance.

Ord. No. 1467-96.

By Councilmen Rybka, Jackson, Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing East 55th Street from Blanche Avenue to Woodland Avenue; authorizing the Director of Public Service to employ professional design engineering ser-

vices to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

Ord. No. 1468-96.

By Councilmen Rybka, Jackson, Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Bessemer Avenue from East 65th Street to East 88th Street; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

Ord. No. 1469-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of Union Avenue and East 82nd Street.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning; Recommended by Committee on Finance.

Ord. No. 1471-96.

By Councilmen Willis, Coats, Rybka and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing portions of Arlington Avenue, East 123rd Street and East 125th Streets; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

Ord. No. 1619-96.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Schilling Square Development, L.L.C., or its designee, for various pre-development and development activities for the Detroit Manor Building project, CDBG Year XXI.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 1461-96.**

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio State Board of Emergency Medical Services for the 1996-97 EMS E.M.T. Training Program.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1616-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install and design the placement of new and reconditioned furniture, and to make repairs to existing countertops and to design placement of new and existing counters and spaces, for the Department of Finance, on behalf of the office of the Clerk of the Cleveland Municipal Court, for a period not to exceed two years.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1617-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in 1997 for NOACA.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1618-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various security equipment, for the Department of Finance, on behalf of the office of the Clerk of Cleveland Municipal Court, for a period not to exceed two years.

Read third time. Passed. Yeas 19. Nays 0.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilman Robert White and Councilman Joseph Zone be and is hereby authorized.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, October 14, 1996 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 920-96.**

By Mayor White and Councilmen Polensek and Rokakis.

An emergency ordinance authorizing the Mayor to apply for and accept a grant from the United States Department of Commerce, Minority Business Development Center for the operation of the 1996-97 Minority Business Development Center.

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

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

Section 1. That the Mayor is hereby authorized to apply for and accept a grant in the amount of \$108,498, from the United States Department of Commerce, Minority Business Development Agency, for the operation of the 1996-97 Minority Business Opportunity Committee, for the purposes set forth in the application and according thereto; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 920-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in kind services in the amount of \$86,557.00 and cash matching funds in the sum of \$36,591.00 from Fund No. 01-13-02-0901.

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

Ord. No. 1183-96.

By Councilmen McGuirk, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a lease with Kamm's Development Corporation for the parking lot located on Albers Avenue.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a lease with Kamm's Development Corporation for the parking lot located on the north side of Albers Avenue, between Rocky River Drive and West 168th

Street, Permanent Parcel Nos. 025-25-031 through 025-25-040, for a term of five (5) years, renewable at the City of Cleveland's discretion, upon approval of Council by appropriate legislation; legislation renewing the lease shall be accompanied by an executive summary outlining any changes to the previous lease.

Section 2. That all lands leased pursuant to this ordinance shall be leased at fair market value as determined by the Board of Control.

Section 3. That the lease shall be prepared by the Director of Law and shall contain such other terms as shall protect the interests of the City of Cleveland and shall be executed by the Director of Community Development on behalf of the City of Cleveland. Within ten (10) days of execution of the lease authorized herein, and any amendments thereto, a copy of same shall be delivered to Council and placed in File No. 1183-96-A.

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.

Ord. No. 1282-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving the City Hall building; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects or engineers to provide professional services related to this improvement.

Ord. No. 1284-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, expanding or otherwise improving parks, recreation facilities, the West Side Market parking lot and park maintenance buildings; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of consultants to provide professional services related to this improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, expanding or otherwise improving recreation facilities and park maintenance buildings, including the Humphrey Park Maintenance Facility, the Johnson Park Maintenance Facility and the East 40th Mall Station Maintenance Facility, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder

after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, expanding or otherwise improving parks in even-numbered wards and the West Side Market parking lot, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 4. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 5. That the Director of Parks, Recreation and Properties is hereby authorized and directed to employ by contract one or more landscape architects, architects, engineers and/or asbestos consultants or one or more firms of landscape architects, architects, engineers and/or asbestos consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the improvement authorized in Section 2 and Section 4 of this ordinance.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 6. That the cost of said improvement and professional services hereby authorized shall be paid from Fund Nos. 10 SF 006, 20 SF 303, 20 SF 313, 20 SF 323, 20 SF

330 and 20 SF 334, Request No. 20558.

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

Ord. No. 1303-96.

By Councilmen Patton, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into agreements with the State of Ohio, through its Director of Transportation, for the adjustment of existing waterline facilities, as necessitated by the improvements to I-480, Snow Road, Chardon Road, East Aurora Road and Solon Road, in various communities.

Ord. No. 1306-96.

By Councilmen Robinson, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with various agencies for implementation of the Housing Opportunities for People with AIDS Program.

Ord. No. 1320-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving McCafferty Health Center; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects, engineers and/or asbestos consultants to provide professional services related to this improvements.

Ord. No. 1433-96.

By Councilmen Britt, Coats, Rybka and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Cornell Road from Euclid Avenue to Murray Hill Road; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Ord. No. 1440-96.

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

An emergency ordinance authorizing the Director of Public Safety to enter into and execute a Lease for land at the northwest corner of East 55th Street and Carnegie Avenue with Encore Manufacturing

Corporation and Koch Showalter Company for a term not to exceed one year, with an option to renew one term not to exceed one additional year.

Ord. No. 1467-96.

By Councilmen Rybka, Jackson, Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing East 55th Street from Blanche Avenue to Woodland Avenue; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Ord. No. 1468-96.

By Councilmen Rybka, Jackson, Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Bessemer Avenue from East 65th Street to East 88th Street; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Ord. No. 1469-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of Union Avenue and East 82nd Street.

Ord. No. 1471-96.

By Councilmen Willis, Coats, Rybka and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing portions of Arlington Avenue, East 123rd Street and East 125th Streets; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as necessary to make the public improvement.

Ord. No. 1619-96.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Schilling Square Development, L.L.C., or its designee, for various pre-development and development activities for the Detroit Manor Building project. CDBG Year XXI.

BOARD OF CONTROL

October 2, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 2, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 665-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Leader Electric Supply Company for an estimated quantity of Streetlighting Materials, item nos. 35, 37, 65, 66 Alt, and 84 thru 94, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 30th day of May 1996, 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 One Hundred Eighty Nine Thousand Four Hundred Ninety Eight and 50/100 Dollars, (\$189,498.50), (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. 87148

which shall be certified against such contract in the sum of Nine Thousand Six Hundred Seventeen and 60/100 Dollars, (\$9,617.60).

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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 666-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hamby-Young Power Supply Products, Inc. for an estimated

quantity of Streetlighting Materials, item nos. 5 thru 9, 12 thru 22, 24 thru 27, 32, 33, 38 thru 55, 61 thru 64 and 77, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 30th day of May 1996, 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 Six Hundred Fifty Five Thousand Eight Hundred Seventy and 90/100 Dollars, (\$655,870.90), (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. 87147

which shall be certified against such contract in the sum of Thirty Three Thousand Three Hundred Ninety Six and 50/100 Dollars, (\$33,396.50).

Said requirement contract 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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 667-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Precision Electric, Inc. for an estimated quantity of High Voltage Switching Equipment, Capacitor Banks, item nos. 1 thru 21, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 1st day of July, 1996, 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 Nine Hundred Seventy and 75/100 Dollars, (\$68,970.75), (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. 88753

which shall be certified against such contract in the sum of Three Thousand Five Hundred Eighty Four and 40/100 Dollars, (\$3,584.40).

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, Director Sobol Jordan, Acting Director Carmody,

Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 668-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on May 24, 1996 for twenty two (22) chassis and cabs with 8 ft. pick-up bodies (Items 1A, 1B, 1C, 2A, 2B, 2C) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1228-95, passed by the Council of the City of Cleveland on January 29, 1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 669-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of D & M Painting Corp. for the public improvement of Rehabilitation of the exterior surfaces of four water towers, including a contingency allowance of \$88,136.00, for the Division of Water, Department of Public Utilities, received on August 16, 1996 pursuant to the authority of Ordinance No. 248-96, passed May 6, 1996, upon a unit basis for the improvement in the aggregate amount of Nine Hundred Sixty Nine Thousand Four Hundred Ninety Six Dollars, (\$969,496.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors to D & M Painting Corp. for the above-mentioned public improvement are approved:

Steward Supply
29.9% (MBE)

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 670-96.

By Director Cunningham.

Whereas, pursuant to Ordinance No. 2438-92, passed by the Cleveland City Council on January 25, 1993, and Board of Control Resolution No. 584-93, adopted July 21, 1993, the City entered into an agreement with Richard L. Bowen & Associates, Inc. ("Consultant") for interior design and related services for the terminal refurbishment project at Cleveland Hopkins International Airport for the Department of Port Control, Contract No. 46456; and

Whereas, the City has determined that it was necessary to expand the scope of services relating to terminal design and/or review; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that

the Director of Port Control is hereby authorized to enter into a first amendment to Contract No. 46456 between the City and Richard L. Bowen & Associates, Inc. ("Consultant") to provide for an addition to the scope of work necessary for additional design and/or review based upon Consultant's letter dated February 7, 1996. The contract shall increase from an amount not to exceed two hundred thirty-five thousand eight hundred seventy-two and no/100 dollars (\$235,872.00) to an amount not to exceed three hundred thousand eight hundred seventy-two and no/100 dollars (\$300,872.00).

Be it further resolved that the Director of Port Control is hereby authorized to complete and execute any documents necessary and appropriate to effect the amendment hereby authorized.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 671-96.

By Director Cunningham.

Whereas, American Flyers, Inc. intends to operate a flight school business at Burke Lakefront Airport ("Airport"); and

Whereas, the City of Cleveland is willing to grant to American Flyers, Inc. permission to use certain space at Airport for its flight school business; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Port Control is authorized to enter into a concession agreement with American Flyers, Inc. for the use of approximately 1102 square feet of office/operations space on the first floor of the terminal passenger building at the Airport for a period not to exceed thirty (30) days. The Concessionaire shall pay to the City a fee of \$780.58 for the use of this space. All utilities shall be paid by the concessionaire, except that, the City shall provide, without charge, ordinary amounts of heat and air conditioning to the concession premises.

Be it further resolved that said concession agreement shall be prepared by the Director of Law and shall contain such provisions as she deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 672-96.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the bid of G. R. Osterland Company for an estimated quantity of Asphalt concrete and tack coat, including labor and delivery, spreading and compacting (Item No. 4 - Asphalt #400, No. 5 - Asphalt #404; No. 6 - Asphalt tack coat; and No. 7 - Pavement milling) for the various divisions of the Department of Port Control, for the period of one (1) year beginning with the date of execution of a contract received on the 6th day of Sep-

tember, 1996, pursuant to the authority of Ordinance No. 818-96, passed June 10, 1996, which on the basis of the estimated quantity would amount to Seventy-five thousand two hundred fifty and no/100 (\$75,250.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into 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. 091587

which shall be certified against such contract in the sum of Fifteen Thousand Fifty and no/100 (\$15,050.00) Dollars.

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

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by G. R. Osterland Company for an estimated quantity of asphalt concrete and tack coat, including labor and delivery, spreading and compacting for the various divisions of the Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE

Cook Paving &
Construction
5545 Canal Road
Cleveland, Ohio 44125

Partial asphalt
& installation
(MBE - \$15,650.00 -
\$20.89%)

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 673-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of McLean Company for an estimated quantity of construction equipment parts, labor (Item 2 - Hyser roller; item 3 - Miller asphalt spreader; item 4 - Huber roller; item 6 - C. S. Johnson) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 16th day of August, 1996, pursuant to the authority of Ordinance No. 534-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Thirty seven thousand and no/100 Dollars, (\$37,000.00), (1% - 10 days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 091903

which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars, (\$3,000.00).

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

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 674-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Machinery Company for an estimated quantity of Construction Equipment Parts, Labor (#1 Only) Barber Greene Parts and labor, List Price Dated January 1996 Less 4% With A 12% Discount During January 1, 1997 thru March 31, 1997, And A Labor Rate Of \$48.00 Per Hour, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 16th day of August, 1996, pursuant to the authority of Ordinance No. 534-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Twenty five thousand and no/100 Dollars, (\$25,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 091902

which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars, (\$3,000.00).

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

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 675-96.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Stengers Ford, Inc. for the following: Three Full Size (4) Door Sedans (No. 5 Only) for the Division of Motor Vehicle Maintenance, Department of Public Service, received on the 6th day of September, 1996, pursuant to the authority of Ordinance No. 918-96, passed June 18, 1996, which on the basis of order quantity would amount to \$75,786.00, (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Service is hereby

requested to enter into contract for such items.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 676-96.

By Director Spellman.

Whereas, pursuant to the authority of Ordinance Nos. 2735-90 and 2740-90 both passed by the Council of the City of Cleveland on December 17, 1990 and Resolution Nos. 267-91, 369-91 765-91 and 31-96, adopted by this Board of Control on December 17, 1990, May 22, 1991, September 25, 1991 and January 17, 1996, respectively, the City, through its Director of Parks, Recreation and Properties authorized City Contract No. 44351 and First and Second Modifications thereto, with Buchieri Architects, ("Architect") to provide professional services necessary for constructing new structures at the Joseph Stamps Service Center, Humphrey Park, Woodland Cemetery and Alger Cemetery; and

Whereas, Buchieri Architects has by its letter dated August 28, 1996, requested consent of the City to hire Roberts Consultants Inc. to replace Polytech Inc. as sub-consultants to the Architect.

Be it resolved, by the Board of Control of the City of Cleveland that Polytech Inc. (MBE 30%) be removed as a sub-consultant to the Architect on City Contract No. 44351.

Be it further resolved, that Roberts Consultants Inc. (MBE 30%) are hereby approved as sub-consultants to the Architect.

Be it further resolved, That all other terms and provisions of City Contract No. 44351 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 677-96.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 27, 1996 for various automotive parts (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1015-96, passed by the Council of the City of Cleveland on June 18, 1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the

Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 21, 1996

9:30 A.M.

Calendar No. 96-179: 9515 Woodland Ave., S.E.

Atlas Lederer Co., c/o Harold DeStefais, appeals, under authority of Sections 329.01 and 329.02, from the "Violation Notice" issued by the Commissioner of Buildings & Housing on August 13, 1996 relating to purported violations of Section 345.04 and Section 347.06 of the Codified Ordinances at 9515 Woodland Ave.

Calendar No. 96-180: 7500 Superior Ave., N.E.

City of Cleveland, Department of Community Development, owner, c/o Joseph Sidoti, and Auto Zone Inc., prospective purchaser, c/o Gary Gregory, to erect a 73'4"x 95'4" one story retail auto parts store on the 171' x 217' irregular shaped corner lot located in a Two Family District, MultiFamily District and General Retail Districts on the southwest corner of Superior Ave. and E. 76 Pl. at 7500 Superior Ave.; said use for retail sales and the parking accessory thereto being contrary to the residential use limitations of Sections 337.03 and 337.08 and said proposed building to be located 9'6' from the street line of E. 76 Pl. instead of 15' therefrom as required by Sections 357.04 and 357.14 of the Codified Ordinances.

Calendar No. 96-182: 1325 Ansel Rd., N.E.

City of Cleveland, Department of Community Development, owner, c/o Joseph Sidoti, and Notre Dame Campus Apartments Inc., prospective purchaser, c/o William DiTirro, to convert to retail sales, service, offices and restaurant the ground floor and 73 dwelling unit apartment for the elderly the upper floors of the 266' x 134' masonry 5 story high school building on a 540' x 165' irregular shaped parcel located in a E-3 Multi-Family District at 1325 Ansel Rd.; said use of the ground floor being contrary to the residence use limitations of Section 357.08 of the Codified Ordinances.

Calendar No. 96-186: 4281 W. 130 St.

Walgreen Co., owner, c/o John McGinnis, to erect approximately 600' of 6' high metal picket fence to partially surround the 421' x 470' triangular irregular shaped corner lot located in a General Retail District on the northeast corner of W. 130 St. and Bellaire Rd. at 4281 W. 130 St.; portions of the proposed fence to be located 7' from the street line of Bellaire Rd. instead of back of the 20' specific setback building line area as determined by Section 357.07 and prohibited by Section 357.13 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 7, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, September 30, 1996, the following appeals were heard by the Board, and decided on Monday, October 7, 1996.

The following appeals were **Granted:**

Calendar No. 96-165: 2952 E. 65th Street
Michael Sivillo, owner, to erect a 12' x 24' carport addition.

Calendar No. 96-168: 6210 Fleet Avenue, S.E.
Julie White, owner, and Ralph Romeo, prospective purchaser, to convert to a dwelling unit.

Calendar No. 96-174: 2710 Walton Ave., S.W.
Georg Abukamov, owner, and Volunteers of America, prospective purchaser, c/o Dennis Kresak, to raze a 40' x 60' two story frame portion on front and add a 42' x 21' two story addition to the front and convert to a dormitory.

The following appeal was **Refused:**

Calendar No. 96-158: 10207 Madison Avenue, N.W.
Charles Szerszen dba Madison Avenue Resale Shop, appealed, under Section 76-6 of the Charter of the City of Cleveland from the refusal to issue a Second Hand Dealer License.

The following appeal was **Dismissed:**

Calendar No. 96-161: 18503 Golf View Drive, S.W.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
October 2, 1996

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

Docket L-6-96.

RE: Appeal of Harold W. Shaw, from a JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated September 6, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Shaw to renew his JOURNEYMAN PLUMBER LICENSE for 1993 and 1994 without retaking the test and without payment of the late filing fees, noting that the letter to renew was sent to the wrong address. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-110-96.

RE: Appeal of Vincent B. Weaver, Owner of the Property located on the premises known as 2344 East 89th Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated June 27, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to clean the grounds forthwith, and to grant the Appellant two weeks (2 wks.) in which to obtain permits and abate the violations; the property is to be REMANDED to the Division of Building and Housing for further action at the end of two weeks (2 wks.). Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-112-96.

RE: Appeal of Vincent B. Weaver, Owner of the Property located on the premises known as 2270 East 93rd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 26, 1992, resubmitted August 1, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time require the Appellant to remove the hazards on the property within seven days (7 days), and to grant the Appellant thirty days (30 das.) in which to secure permits and abate the violations or dispose of the property; the property is REMANDED to the Division of Building and Housing for further action at the end of thirty days (30 das.). Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-119-96.

RE: Appeal of West Chateau Condominium Association, Owner of the Property located on the premises

known as 10301 Lake Road from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 8, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC)

No action at this time; rescheduled for October 16, 1996.

* * *

Docket A-125-96.

RE: Appeal of Metmor Financial Inc., Mortgagee of the Property located on the premises known as 555-57 East 123rd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to board and secure the property and clean the grounds within two weeks (2 wks.) and to grant the Appellant four months (4 mos.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by February 16, 1997. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-141-96.

RE: Appeal of Antonio Nieves, Owner of the Property located on the premises known as 6608 Denison Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated July 10, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-141-96 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-142-96.

RE: Appeal of Marianne B. Corpus, Owner of the Property located on the premises known as 555-57 East 123rd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action.

Docket A-143-96.

RE: Appeal of United Companies Lending Corp., Mortgagee of the Property located on the premises known as 1346 West 58th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 24, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1346 West 58th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-148-96.

RE: Appeal of Wayne Drawdy, Owner of the Residential Property located on the premises known as 1346 West 58th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 24, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-148-96 has been WITHDRAWN at the request of the Appellant, noting that Docket A-148-96 is the same as Docket A-143-96.

* * *

Docket A-150-96.

RE: Appeal of E.G.S. Realty Company, Owner of the Property located on the premises known as 4547 Hinckley Industrial Parkway from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated August 29, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the use of the untreated wood studs, noting that they are covered with drywall and that the building is fully sprinklered including the office areas in question, and that the building is to be considered a Type 2-C construction for the purposes of this variance and future work. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

Docket A-151-96.

RE: Appeal of LTV Steel Company, Inc., Owner of the Property located on the premises known as 3100 East 45th Street from a NOTICE OF VIOLATION of the Commissioner of the Division of the Environment/Air Pollution Control dated July 23, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-151-96 has been POSTPONED; to be rescheduled for a later date.

Docket A-169-96.

RE: Appeal of Kirkwood Carbon Company, Owner of the Property located on the premises known as 4857 West 130th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 20, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the required setbacks, noting that the adjacent properties are unbuildable so that encroachment by other buildings is impossible. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bowes and seconded by Mr. Williams for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-74-96—Chemical Solvents, Inc.
- A-111-96—Germi Properties.
- A-155-96—Kirste Carlson.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

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

- A-99-96—Chemical Solvents, Inc.
- A-160-96—Detroit Shoreway Comm. Development Corp.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

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

- A-120-96—Elvira Holloway.
- A-152-96—Virgil Davidson.
- A-161-96—Forest City Development.
- A-162-96—Cleveland Warehouse Development Corp.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bowes and seconded by Mr. Denk for Approval of the Minutes as presented by the Secretary

respectively, subject to the Codified Ordinances of the City of Cleveland:

September 18, 1996

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Absent: Mr. Sullivan.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

WEDNESDAY, OCTOBER 16, 1996

Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

October 2 and October 9, 1996

FRIDAY, OCTOBER 18, 1996

Rockefeller Park Phase IV - Site Improvements, for the Division of Research, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1284-96, passed by the Council of the City of Cleveland.

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

Ready Mixed Concrete, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 737-93, passed by the Council of the City of Cleveland, April 19, 1993.

Rebuilt Gasoline and Diesel Engines, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1013-96, passed by the Council of the City of Cleveland, June 18, 1996.

Automotive and Truck Spring Repair and Labor if Necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1103-96, passed by the Council of the City of Cleveland, July 17, 1996.

October 2 and October 9, 1996

WEDNESDAY, OCTOBER 23, 1996

Pipe Repair Couplings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

One (1) Electric Scissor Lift, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 712-96, passed by the Council of the City of Cleveland, May 20, 1996.

Rental of One (1) Concrete Saw, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 631-96, passed by the Council of the City of Cleveland, May 20, 1996.

October 2 and October 9, 1996

THURSDAY, OCTOBER 24, 1996

Rehabilitation of West 187th Street from Puritas Avenue to Sunset Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 928-95 and 709-96, passed by the Council of the City of Cleveland, June 12, 1995 and June 18, 1996, respectively.

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

October 2 and October 9 and October 16, 1996

THURSDAY, OCTOBER 24, 1996

Replacement Windows for Engine House #9, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1028-93, passed by the Council of the City of Cleveland, June 7, 1993.

Personal Computers, Laser Printers and Software, for the Department of Finance on behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 1095-95, passed by the Council of the City of Cleveland, July 19, 1995.

October 2 and October 9, 1996

FRIDAY, OCTOBER 25, 1996

Maintenance, Repair and/or Replacement of HVAC System at Various Locations, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 424-96, passed by the Council of the City of Cleveland, May 6, 1996.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 15, 1996, 10:00 A.M. AT THE CLEVELAND PUBLIC POWER BUILDING, 300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Labor and Materials to Repair or Replace Fire Hydrants, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 362-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A MANDATORY PRE-BID MEETING AT THE CLEVELAND WATER DIVISION, 4600 HARVARD AVENUE, EXECUTIVE CONFERENCE ROOM ON MONDAY, OCTOBER 14, 1996, 10:00 A.M.

Pre-Paid Debit/Calling Cards, for the Division of Information Systems Services, Department of Finance, as authorized by Ordinance No. 646-96, passed by the Council of the City of Cleveland, May 20, 1996.

A **PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 11, 1996, 10:00 A.M. AT 1404 EAST 9TH STREET IN THE 4TH FLOOR CONFERENCE ROOM.**

One Plus Long Distance Telephone Service, for the Division of Information Systems Services, Department of Finance, as authorized by Ordinance No. 646-96, passed by the Council of the City of Cleveland, May 20, 1996.

A **PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 11, 1996, 10:00 A.M. AT 1404 EAST 9TH STREET IN THE 4TH FLOOR CONFERENCE ROOM.**

Zero Plus Long Distance Telephone Service, for the Division of Information Systems Services, Department of Finance, as authorized by Ordinance No. 646-96, passed by the Council of the City of Cleveland, May 20, 1996.

A **PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 11, 1996, 10:00 A.M. AT 1404 EAST 9TH STREET IN THE 4TH FLOOR CONFERENCE ROOM.**

October 2 and October 9, 1996

THURSDAY, OCTOBER 24, 1996

Equipment and Services for 800 MHz Radio System Enhancements, for the Office of Radio Communications, Department of Public Utilities, as authorized by Ordinance No. 1227-95, passed by the Council of the City of Cleveland, June 18, 1996.

Paint and Paint Supplies (Automotive Paints), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 642-96, passed by the Council of the City of Cleveland, May 13, 1996

October 9 and October 16, 1996

FRIDAY, OCTOBER 25, 1996

Computer Hardware and Software, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1163-96, passed by the Council of the City of Cleveland, July 17, 1996.

Various Automotive and Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1015-96, passed by the Council of the City of Cleveland, June 18, 1996.

October 9 and October 16, 1996

WEDNESDAY, OCTOBER 30, 1996

Catch Basin Cleaning Machine Body Replacements, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1033-96, passed by the Council of the City of Cleveland, July 17, 1996.

Computer Equipment and Supplies, for the Division of Air Pollution Control, Department of Public Health, as authorized by Ordinance No. 2106-95, passed by the Council of the City of Cleveland, December 18, 1995.

October 9 and October 16, 1996

THURSDAY, OCTOBER 31, 1996

The Rehabilitation of Hough Avenue/Mt. Sinai Drive from East 55th Street to East 105th Street, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 926-95, passed by the Council of the City of Cleveland, June 12, 1995.

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

October 9 and October 16, 1996

FRIDAY, NOVEMBER 1, 1996

Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1102-96, passed by the Council of the City of Cleveland, July 17, 1996.

October 9 and October 16, 1996

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 375-96.**

By Councilman Melena.

An emergency resolution urging the Mayor and the Administration to plan for the utilization of clean material from the demolition of Cleveland Municipal Stadium to expand the Cuyahoga County Commissioners Reef or build new reefs in order to create the largest freshwater artificial reef system in the world.

Whereas, since the late 1700's the Japanese have successfully used artificial reef technology to create and enhance coastal fishing grounds; and

Whereas, the Western Basin of Lake Erie is known as the "Wall-eye Capital of the World" because this area produces more walleye per hectare than any other lake in the world; and

Whereas, the Western Basin is shallow and dotted with islands and natural reefs which provide necessary habitat for many fish species including bass, perch and walleye; and

Whereas, the Central Basin is deeper, larger and lacks the necessary near shore productive bottom structures nature provided the Western Basin; and

Whereas, since the central basin lacks the near shore structures necessary to fish habitats the Central Basin fishing areas are not within safe running distance for smaller boats; and

Whereas, in the 1980's the North Central Ohio Sea Grant Committee caused the creation of artificial reefs in Lake Erie off the coast of Lorain and Cuyahoga Counties; and

Whereas, in 1984 the Cuyahoga County Commissioners contributed \$62,500.00 towards the artificial reef off the Cuyahoga County Coast; and

Whereas, said artificial reef is known as the "Cuyahoga County Commissioner's Reef"; and

Whereas, in 1984, the Cuyahoga County Commissioners estimated that the artificial reef off the Cuyahoga County Coast was expected to inject over 50 million dollars into the local economy; and

Whereas, studies of the Cuyahoga County Commissioner's Reef have shown the reef to have exceeded expectations in its impact on fishing in the Central Basin; and

Whereas, an expansion of the existing artificial reef systems in the Western Basin will further concentrate fish within a given area near shore; and

Whereas, artificial reef expansion will create permanent habitats for many fish species by providing food, shelter, protection and a spawning area; and

Whereas, the expansion of near shore permanent fish habitat will benefit the Cleveland economy through non-local anglers' expenditures of gas, food, bait, tackle and overnight lodging; and

Whereas, if the proposed settlement between the NFL and the City of Cleveland is approved, Cleveland Municipal Stadium will be demolished and a new facility will be built to house the Cleveland Browns NFL franchise; and

Whereas, in order to demolish Municipal Stadium lead and asbestos abatement of the structure must be completed prior to demolition; and

Whereas, upon demolition of the structure, a huge quantity of clean brick and concrete rubble will need to be transported off site and disposed of; and

Whereas, the brick and concrete rubble created by the proposed demolition of Municipal Stadium would only need to be transported across the street to the Port of Cleveland and hauled to a reef site for use in expansion of the reef system; and

Whereas, the use of the brick and concrete rubble for expansion of the artificial reef system will save hundreds of thousands of dollars in the current demolition budget for the proposed stadium; and

Whereas, the use of said concrete and brick rubble to build artificial reef structures will save scarce landfill resources and create an asset at minimal cost which will survive for many generations beyond the proposed facility; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that plans for a new artificial reef to benefit the Cleveland area should proceed simultaneously with plans for the future of Cleveland Municipal Stadium; now, therefore,

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

Section 1. That this Council urges the Mayor and the Administration to plan for the utilization of clean material from the demolition of Cleveland Municipal Stadium to expand the Cuyahoga County Commissioners Reef or build new reefs in order to create the largest freshwater artificial reef system in the world.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Cuyahoga County Board of Commissioners.

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 September 30, 1996.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1807-96.

By Councilman Jackson.

An emergency resolution urging HUD to provide CMHA with the necessary funding to provide traditional public housing replacement housing, or funding to renovate all buildings at Carver Park Estates, or failing the above, to rescind HOPE VI Plus funding for Carver Park Estates.

Whereas, Cleveland City Council passed Resolution No. 1488-96, on August 14, 1996, opposing President Clinton's and HUD's policies that are detrimental to public housing, subsidized housing, and low income people; and

Whereas, demolition of public housing without traditional replacement housing is a policy that is detrimental to public housing, subsidized housing and low income people; and

Whereas, HOPE VI Plus has as a major component the demolishing of public housing; and

Whereas, Public Housing Authorities applying for HOPE VI Plus funding receive better consideration if demolition is part of their application; and

Whereas, it is almost impossible to receive HOPE VI Plus funding without including demolition in the application; and

Whereas, Carver Park Estates has been awarded funding under HOPE VI Plus; and

Whereas, the Cuyahoga Metropolitan Housing Authority ("CMHA") plans to demolish a substantial number of public housing units at Carver Park Estates; and

Whereas, CMHA has 10,000 families on their waiting list; and

Whereas, the Department of Housing and Urban Development ("HUD") has eliminated the one-for-one replacement requirement; and

Whereas, HUD has not provided CMHA with funding to provide traditional public housing replacement housing while CMHA has 10,000 families on their waiting list; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that HUD has failed to provide funding for traditional public housing replacement housing while encouraging the demolition of public housing units at the same time there are 10,000 families on CMHA's waiting list; now, therefore,

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

Section 1. That HUD provide CMHA with the necessary funding to provide traditional public housing replacement housing.

Section 2. That failing Section 1 of this resolution, then HUD must provide CMHA with the necessary funding to renovate all building at Carver Park Estate.

Section 3. If HUD can or will not do Section 1 or 2 of this resolution, then HUD moves to rescind HOPE VI Plus funding for Carver Park Estates.

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

Adopted September 30, 1996.

Effective October 9, 1996.

Res. No. 1808-96.

By Councilman Rybka.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5504 Harvard Avenue and repealing Res. No. 1124-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5504 Harvard Avenue by Res. No. 1124-96, adopted June 10, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5504 Harvard Avenue be and the same is hereby withdrawn and Res. No. 1124-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 30, 1996.

Effective October 9, 1996.

Res. No. 1809-96.

By Councilman White.

An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 3852 East 123rd Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 9804504, Y & A Grocery Inc., 3852 East 123rd Street, first floor and basement, Cleveland, Ohio 44105; 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 and C2X Liquor Permit to Permit No. 9804504, Y & A Grocery Inc., 3852 East 123rd Street, first floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hear-

ing 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 September 30, 1996.
Effective October 9, 1996.

Res. No. 1810-96.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 9009 St. Clair Avenue, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 45007080005, Marwan Kash, dba Browns Town Beverage, 9009 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44108, to Permit No. 9870022, Yzen Inc., dba Browns Town Beverage, 9009 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the trans-

fer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 45007080005, Marwan Kash, dba Browns Town Beverage, 9009 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44108, to Permit No. 9870022, Yzen Inc., dba Browns Town Beverage, 9009 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 30, 1996.
Effective October 9, 1996.

Res. No. 1811-96.

By Councilman White.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 10601-03 Sandusky Avenue, first floor, and repealing Res. No. 665-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 10601-03 Sandusky Avenue, first floor, by Res. No. 665-96, adopted April 15, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 10601-03 Sandusky Avenue, first floor, be and the same is hereby withdrawn and Res. No. 665-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 30, 1996.
Effective October 9, 1996.

Ord. No. 1222-96.

By Councilman Westbrook.

An emergency ordinance determining the need to develop programs to combat the proliferation of broken glass and other litter in City neighborhoods and authorizing the

President of Council, on behalf of the Council, to accept gifts and grants in conjunction with litter control programs and the implementation of programs developed by the Council to combat litter.

Whereas, the proliferation of broken glass and other litter in City neighborhoods has become a threat to the safety and welfare of our citizens; and

Whereas, this Council needs to work with retailers and distributors to develop ways to combat this problem without harming the economic recovery of our City; and

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

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

Section 1. That this Council hereby determines that efforts to combat the proliferation of broken glass and other litter in City neighborhoods should be a major goal of the City.

Section 2. That this Council wishes to work with area retailers and distributors to develop programs to deal with the City's litter problem.

Section 3. That the President of Council, on behalf of Council, is hereby authorized to accept gifts and grants from various entities, both public and private, in conjunction with litter control programs, and the courts, for the implementation of programs developed by the Council to combat litter, to file all papers and execute all documents necessary to receive such funds and, upon acceptance, said gifts and grants shall be appropriated for the purposes for which they were given.

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 September 16, 1996.

Effective September 26, 1996 without the signature of the Mayor.

Ord. No. 1286-96.

By Councilmen McGuirk and Rokakis (by departmental request).

An emergency ordinance to amend Sections 181.09, 181.11, 181.13 and 181.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to purchases.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 181.09, as amended by Ordinance No. 2855-80, passed March 9, 1981,

Section 181.11, as amended by Ordinance No. 627-68, passed March 18, 1968,

Section 181.13, as amended by Ordinance No. 999-70, passed June 8, 1970, and

Section 181.14, as amended by Ordinance No. 627-68, passed March 18, 1968, are hereby amended to read, respectively, as follows:

Section 181.09 Purchases Not Exceeding \$1,000.00

Notwithstanding, and as an exception to the requirements set forth in Section 181.08, whenever any office or department requisitions articles, commodities, supplies, material or equipment which is seldom needed and is not stocked in the storerooms or warehouses of the City and which costs a total of one thousand dollars (\$1,000.00) or less, the Commissioner of Purchases and Supplies is authorized to procure such articles, commodities, supplies, material or equipment by noncompetitive purchase in the market for the best price obtainable, provided the approval of the Director of Finance is first obtained.

Section 181.11 Noncompetitive Purchases; Purchase of Coal

The Commissioner of Purchases and Supplies is hereby authorized to make noncompetitive purchases for the best price obtainable in the following circumstances:

(a) When the purchase is for the purpose of determining the fitness or suitability of any product to meet the special requirements of the City and is limited to the smallest amount sufficient for such test purposes, in no event more than one thousand dollars (\$1,000.00).

(b) Where emergency repairs or necessary replacement parts are required immediately for the continued operation of any automotive or other equipment involving an expenditure of not more than ten thousand dollars (\$10,000.00).

(c) When the director of the department involved requisitions the purchase of any commodity or article by brand name setting forth the reasons why no other commodity or article except the one specified is suitable for the intended use, when the amount involved is less than one thousand dollars (\$1,000.00) and the director of finance has approved such purchase, and with the additional approval of the Mayor when the amount is more than one thousand dollars (\$1,000.00) but not more than ten thousand dollars (\$10,000.00).

(d) The purchase of coal for the various divisions of the City shall be based upon the certified copy of the analysis of the coal made by a recognized independent testing laboratory which shall be filed with the bid and made a part thereof, and the specified satisfactory burning quality of the coal in the equipment for which purchased. Conformity of the coal to the certified analysis shall be determined by chemical tests conducted by the City and the satisfactory burning quality of the coal shall be determined by test in use in the equipment for which the coal is purchased. Failure of the coal to meet the chemical test and the burning test shall be cause for rejection of the bid. The delivery of coal not meeting the chemical test and the satisfactory burning quality shall be cause for cancellation of the contract if a contract is awarded. The costs incurred by the City in making all chemical tests shall be charged to the bidder or contractor in the event that the coal tendered does not meet such tests. For the purpose of determining conformity to the chemical analysis and satisfactory burning quality of any coal proposed to be sold to the City, the bidder may be required to supply from one to ten car loads of such coal.

Section 181.13 Purchases of Surplus Federal Commodities

The Commissioner of Purchases and Supplies is hereby authorized and directed to purchase from the United States or any instrumentality or agency thereof charged with the disposal of surplus commodities, any materials, supplies or equipment which may be determined by the Board of Control to be necessary or desirable for any of the several departments of the City at the price fixed by the United States or such instrumentality or agency thereof. When any department receives a Federal grant, the Commissioner may utilize procurement sources available throughout the General Services Administration Agency of the United States prior to private source procurement in the expenditure of Federal grant money. All purchases under this section of ten thousand dollars (\$10,000.00) or less shall first be authorized by the Board of Control and a written report of every such purchase shall be filed with Council forthwith.

Section 181.14 Purchase of Materials Produced by State-Owned Institutions

The Commissioner of Purchases and Supplies is hereby authorized to purchase from the State such materials, supplies or equipment as may be manufactured or produced in any of the State-owned institutions as the Board of Control shall determine necessary or desirable for any of the several departments of the City at the prices fixed by the proper authority of the State. However, all such purchases in addition to the authorization by the Board shall, if more than ten thousand dollars (\$10,000.00), be authorized by the Council.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976: Section 181.09, as amended by Ordinance No. 2855-80, passed March 9, 1981,

Section 181.11, as amended by Ordinance No. 627-68, passed March 18, 1968,

Section 181.13, as amended by Ordinance No. 999-70, passed June 8, 1970, and

Section 181.14, as amended by Ordinance No. 627-68, passed March 18, 1968, are hereby repealed.

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

Passed September 30, 1996.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1287-96.
By Councilmen Miller and Rokakis (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Prime Time Enterprises, Inc. for operation of the business of delivering small packages by ground transportation at and from Burke Lakefront Airport.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with Prime Time Enterprises, Inc. ("Lessee"), for use and occupancy of approximately 217 square feet of office and operations space located on the first floor of the terminal building at Burke Lakefront Airport ("Leased Premises"), for use only as an office and operation facility for the conduct of Lessee's business of delivering small packages by ground transportation. The term of the Lease shall begin on April 1, 1996 and end on April 30, 1998, except that either party may terminate the Lease at an earlier date by giving thirty (30) days written notice to the other. For use of the Leased Premises, Lessee shall the City a per annum rent of \$1,844.50, which shall be paid in monthly installments of \$153.71.

Section 2. That the Lease hereby authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said director deems necessary to protect and benefit the public interest.

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

Passed September 30, 1996.

Effective October 9, 1996.

**Ord. No. 1288-96.
By Councilmen Miller and Rokakis (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Pilot Management, Inc. for operation of the business of a flight school at and from Burke Lakefront Airport, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into a Lease Agreement ("Lease") with Pilot Management, Inc. ("Lessee") for use and occupancy of approximately 649.00 square feet of office and operations space on the first floor of the terminal building at Burke Lakefront Airport ("Leased Premises"), for use only as a flight school business. In addition, the Lessee shall be permitted to access a terminal building conference room solely for the conduct of its flight school business, provided that the Lessee obtains prior approval from the Commissioner of Burke Lakefront Airport, or his designee. The term of the Lease shall begin on May 20, 1996 and end on April 30, 1998, except that either party may terminate the Lease at an earlier date by giving thirty (30) days written notice to the other. For use of the Leased Premises, Lessee shall pay the City a per annum rent of \$5,516.50, which shall be paid in monthly

installments of \$459.71. For the use of the conference room, the Lessee shall pay the City \$6.25 per hour or fraction thereof.

Section 2. That the Lease hereby authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said director deems necessary to protect and benefit the public interest.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1307-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1997 Federal Child Lead Poisoning Prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$422,000, from Ohio Department of Health, to conduct the 1997 Federal Child Lead Poisoning Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1307-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1308-96.
By Councilmen Polensek, Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into and execute a lease agreement for a portion of the fire alarm building located at Carnegie Avenue and Ontario Street with Western Reserve Fire Buffs Foundation, or its designee, for a term not to exceed twenty (20) years.

Whereas, the City of Cleveland has a fire alarm building at

Carnegie Avenue and Ontario Street, a portion of which is not needed for public use for the next twenty years; and

Whereas, the Western Reserve Fire Buffs Foundation has proposed to lease the unneeded portion for a fire museum; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to enter into a lease agreement with the Western Reserve Fire Buffs Foundation, or its designee, for a portion of the fire alarm building located at Carnegie Avenue and Ontario Street which is determined to be not needed for public use during the term specified in Section 2 below.

Section 2. The term of the lease authorized pursuant to this ordinance shall not exceed twenty (20) years.

Section 3. All lands leased pursuant to this ordinance shall be leased at the rate of one dollar (\$1.00) per year.

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

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

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1309-96.
By Councilmen Polensek, McGuirk and Rokakis (by departmental request).

An emergency ordinance to amend Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2326-85, passed September 16, 1985, relating to uniform maintenance allowances.

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

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

Section 1. That Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2326-85, passed September 16, 1985, is hereby amended to read as follows:

Section 135.063 Uniform Maintenance Allowances

The Director of Public Safety is hereby authorized to cause payment

for a uniform maintenance allowance to employees in the classifications in the Safety Department for which the applicable collective bargaining agreement establishes a maintenance allowance, in the amount established in the agreements.

In addition, the Director of Public Safety is authorized to cause payment for a uniform allowance to employees in the following classifications in the amounts shown:

Classification	Annual Maintenance Allowance
(a) Police Chief	In the same amount as the amount established by collective bargaining agreement for Police; Supervisory
(b) Deputy Chief of Police	In the same amount as the amount established by collective bargaining agreement for Police; Supervisory
(c) Fire Chief	In the same amount as the amount established by collective bargaining agreement for Firefighters
(d) Assistant Chief of Fire	In the same amount as the amount established by collective bargaining agreement for Firefighters
(e) EMT Supervisors	In the same amount as the amount established by collective bargaining agreement for Emergency Medical Technicians
(f) Chief Dog Warden	In the same amount as the amount established by collective bargaining agreement for Dog Wardens

Section 2. That existing Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2326-85, passed September 16, 1985, is hereby repealed.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1313-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the State of Ohio, Department of Alcohol and Drug Addiction Services for the 1997 FOCUS program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$100,000, from the State of Ohio, Department of Alcohol and Drug Addiction Services, to conduct the 1997 FOCUS program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1313-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1314-96.

**By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-covered children, for the Division of Environment, Department of Public Health.**

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into a contract with the State of Ohio, Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-covered children during the period from July 1, 1996 through June 30, 1997. The contract shall provide that the City will receive compensation for performing such assessments, and the Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1315-96.

**By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1997 Drug Prevention, Treatment & Intervention Program, and to enter into an agreement with said Board for the City to receive payments from the Medicaid program.**

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$464,530, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 1997 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1315-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into an Agreement with the Alcohol and Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

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 September 30, 1996.
Effective October 9, 1996.

Ord. No. 1319-96.

**By Councilmen Rybka and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to construct heavy duty signs, including but not limited to hardware, elements, materials, and installation if necessary, for the City Planning Commission.**

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

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

Section 1. That the Director of the City Planning Commission is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary

to construct heavy duty signs to be placed in the various Historic Districts, including but not limited to hardware, elements, materials, and installation if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the City Planning Commission. The member of Council in whose ward a sign is proposed to be placed pursuant to the contract authorized by ordinance shall approve the placement of such sign prior to such placement.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 20462.

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

Passed September 23, 1996.

Effective October 3, 1996 without the signature of the Mayor.

Ord. No. 1439-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Lorain Road to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into any agreements relative thereto.

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 it is declared to be in the public interest that the consent of the City be and such consent is hereby given to the Director of Transportation of the State of Ohio to construct the following improvement in accordance with plans, specifications and estimates approved by said Director: The repair and resurfacing of Lorain Road (SR-10) from the West corporation line to West 65th Street (the "Improvement").

Section 2. That the City does hereby give its consent to the Project and its administration by the Director of the Ohio Department of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for such Project.

Section 3. That the Director of Public Service is hereby authorized and directed on behalf of the City to enter into any agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement, which agreements shall contain the terms and conditions set forth in this ordinance and such other terms and conditions as the Director of Public Service shall approve.

Section 4. That upon completion of the Improvements, the City will thereafter keep the affected highway open to traffic at all times, and will:

- a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- b) Maintain each right-of-way and

keep it free of obstructions in a manner satisfactory to the State of Ohio, hold said right-of-way inviolate for public highway purposes, and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

d) Regulate parking by prohibiting all parking within the limits of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That the State will acquire any additional right-of-way required for the construction of the Improvement.

c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such manner as to be clear of any construction called for by the plans of the Improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by the City or the Ohio Department of Transportation.

d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally-owned utilities and/or any appurtenances thereto, which do not comply with the provisions of ODOT Directive No. H-P-508, inside or outside the corporate limits as may be necessary to conform to the Improvement, and said rearrangements shall be done at such time as requested by the Ohio Department of Transportation Engineer.

e) That the construction, reconstruction and/or rearrangement of both publicly and privately owned utilities, referred to in subsections c) and d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.

f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments," and the Ohio Department of Transportation Rules on Utility Accommodation.

g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in subsections a) through f) of this

section. Likewise the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in subsections a) through f) hereinabove.

Section 6. That the Clerk of Council is hereby authorized to furnish the Director of ODOT with three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

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

Passed September 30, 1996.

Effective October 9, 1996.

**Ord. No. 1441-96.
By Councilmen Jackson, McGuirk
and Rokakis (by departmental
request).**

An emergency ordinance to amend Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations of the Zoning Code.

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

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

Section 1. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply therewith shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten days, nor more than ninety days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his assignee, shall be deemed guilty of a violation of this Zoning Code each day he permits such nuisance to continue unabated after due notice from the Commissioner of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails to comply therewith shall, for each and every violation

or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be seduced, waived or suspended. In addition, imprisonment for not less than ten days nor more than ninety days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.16, 337.23, 347.02, 347.08, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13 or 357.14 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Zoning Code to pay to the City's Department of Community Development, Division of Building and Housing, the fee for inspection of violations that have not been remedied, which fee is described in Sections 367.08, 3103.09 and 3105.26.

(f) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby repealed.

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

Passed September 30, 1996.

Effective October 2, 1996.

**Ord. No. 1442-96.
By Councilmen Jackson, McGuirk,
and Rokakis (by departmental
request).**

An emergency ordinance to amend Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, relating to penalty for violations of the Housing Code.

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

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

Section 1. That Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, is hereby amended to read as follows:

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by

the Housing Inspector at a reasonable hour, and whoever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply therewith or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12 or 367.13 shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.08, 369.13, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Community Development, Division of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

(g) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire

and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That existing Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, is hereby repealed.

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

Passed September 30, 1996.
Effective October 2, 1996.

Ord. No. 1443-96.
By Councilmen Jackson, McGuirk and Rokakis (by departmental request).

An emergency ordinance to amend Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations to the Building Code.

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

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

Section 1. That Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby amended to read as follows:

Section 3103.99 Penalty

(a) Whoever violates any provision of this Building Code for which no other penalty is provided or any rule or regulation or order promulgated thereunder, or any code adopted herein, or fails to comply with the lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(b) Whoever violates Sections 3101.10, 3101.11, 3103.10, 3105.01, 3105.02, 3105.05, 3109.11, 3113.03, 3113.10, 3113.16 or 3125.01 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense shall be fined not more than five thousand dollars (\$5,000.00) for a misdemeanor of the first degree.

(d) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Building Code, to pay to the City's Department of Community Development, Division of Building and Housing, the fee for inspection of violations that have not been remedied, which fee is described in Sections 3103.09 and 3105.26, and the expenses or costs incurred under Section 3103.09 for

the removal, repair, alteration, securing or boarding of a building or structure.

(e) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby repealed.

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

Passed September 30, 1996.
Effective October 2, 1996.

Ord. No. 1448-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of not to exceed two dock levelers, including appurtenances and installation, if necessary, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed two (2) dock levelers, including appurtenances and installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 20859.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1449-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of not to exceed twelve complete bunker gear suits, and additional auxiliary gear for Airport Rescue Fire Fighters, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Whereas, this ordinance constitutes an emergency measure pro-

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed twelve (12) bunker gear suits, and

not to exceed twenty-four (24) pairs of turnout gloves and suspenders for the Airport Rescue Fire Fighters personnel, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 20857.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1451-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept annual allocations of federal funds under Titles II and III of the Job Training Partnership Act from the Ohio Bureau of Employment Services and to make appropriations for the current expenses of the Department of Personnel and Human Resources.

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

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

Whereas, in accordance with the agreement required by the JTPA and approved by the Governor, executed on July 31, 1996 for the JTPA Program Years '96 and '97, for the period July 1, 1996 through June 30, 1998, between the Chairman of the Private Industry Council of Cleveland ("PICC") and the City, the City has been designated the JTPA grant recipient and administrative entity in SDA No. 20; and

Whereas, the Secretary of the United States Department of Labor has issued allotments of the JTPA funds to the Ohio Bureau of Employment Services which has issued allocations under the JTPA Titles II and III to the City for PY '96, subject to approval of the job training plan; and

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

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

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

<u>GRANT NAME</u>	<u>FUND</u>	<u>SUBFUND</u>	<u>AMOUNT</u>
Title II Part A 77%			
Adult Training Program	15	061	\$ 2,595,399.00
Title II Part A 5%			
Services For Older Individuals	15	062	168,899.00
Title II Parts A and C 8%			
State Education Coordination and Grants	15	066	247,763.00
Title II Part C 82%			
Youth Training Program	15	065	399,470.00
Title II Part B			
Summer Youth Employment and Training Program	15	054	2,418,281.00
Title III			
Employment and Training Assistance for Dislocated Workers	15	063	\$ 1,051,857.00
	TOTAL		\$ 6,881,669.00

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

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

A. <u>Adult Training Program</u>	
Personnel and Related Expenses	\$ 520,000.00
Other Expenses	\$ 2,075,399.00
Total	\$ 2,595,399.00

B. <u>Services for Older Individuals</u>		
Personnel and Related Expenses	.....	\$ 50,000.00
Other Expenses	.....	\$ 118,899.00
	Total	\$ 168,899.00
C. <u>State Education Coordination and Grants</u>		
Personnel and Related Expenses	.....	\$ 50,000.00
Other Expenses	.....	\$ 197,763.00
	Total	\$ 247,763.00
D. <u>Youth Training Program</u>		
Personnel and Related Expenses	.....	\$ 78,000.00
Other Expenses	.....	\$ 321,470.00
	Total	\$ 399,470.00
E. <u>Summer Youth Employment and Training Program</u>		
Personnel and Related Expenses	.....	\$ 350,000.00
Other Expenses	.....	\$ 2,068,281.00
	Total	\$ 2,418,281.00
F. <u>Employment and Training Assistance For Dislocated Workers</u>		
Personnel and Related Expenses	.....	\$ 230,000.00
Other Expenses	.....	\$ 821,857.00
	Total	\$ 1,051,857.00

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1452-96.
By Councilmen Patmon and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a grant from the Ohio Department of Education for a Nontraditional Employment For Women (New) Action Plan under the Job Training Partnership Act (JTPA) Title II Parts A and C 8% and to authorize appropriations to provide for administration of the Department of Personnel and Human Resources.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to accept a grant from the Ohio Department of Education for the delivery of allowable services, and to credit said grant to Fund No. 15 SF 037, in the amount of Seventeen Thousand Eight Hundred Seventy Four Dollars (\$17,874.00). That the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grant.

Section 2. That the sum of \$17,874.00 in Section 1 herein is hereby appropriated for Personnel and Related Expenses of the Nontraditional Employment For Women (New) Action Plan.

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

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1453-96.
By Councilmen Patmon and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a Specialized Technical Assistance grant under the Title II of the Job Training Partnership Act from the Ohio Bureau of Employment Services and to authorize appropriations to provide for administration of the Department of Personnel and Human Resources.

Whereas, the Ohio Bureau of Employment Services has made funds available for a Specialized Technical Assistance grant; and

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to accept a grant from the Ohio Bureau of Employment Services for the delivery of allowable program services; and, to credit said grant to Fund No. 15 SF 068, in the amount of Five Thousand Dollars (\$5,000.00). That the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grant.

Section 2. That the sum of \$5,000.00 in Section 1 herein is hereby appropriated to provide for Personnel and Related Expenses for the Specialized Technical Assistance grant.

Section 3. That this ordinance is

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1454-96.
By Councilmen Patmon and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into various contracts for Training Services For The Disadvantaged and Employment and Training Assistance For Dislocated Workers under the Job Training Partnership Act.

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

Whereas, the United States Department of Labor has allotted JTPA funds to the Ohio Bureau of Employment Services ("OBES") which in turn has issued allocations under JTPA Titles II and III to the City of Cleveland, which has developed its annual job training and substate plan with OBES for Program Year

'96, for the period of July 1, 1996 to June 30, 1997; and, an ordinance authorizing the Director of Personnel and Human Resources to accept such allocations is pending concurrent with this ordinance; and

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts for Central Services with the following service deliverers:

for Training Services For The Disadvantaged, Title II and Employment and Training Assistance For Dislocated Workers, Title III:

Professional Legal Services: David G. Hill and Associates Co., L.P.A.	\$ 125,000.00
Supportive Services: Towards Employment	\$704,052.00
Basic Readjustment and Retraining Services: United Labor Agency	\$1,000,000.00

Section 2. That the cost of the contracts in Section 1 shall not exceed One Million Eight Hundred Twenty Ninety Thousand Fifty Two Dollars (\$1,829,052.00), and will be paid from Fund Nos. 15 SF 061, 15 SF 062, 15 SF 066, 15 SF 065, and 15 SF 063.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1455-96.
By Councilmen Patmon and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to expend funds for food and beverages during protracted labor negotiations and to pay Ogden Services Corporation for coffee and water service during four days of labor negotiations.

Whereas, this Council has determined that it is a proper public purpose to provide food and beverages during extended meetings with a majority of the City's labor union representatives called by the Director of Personnel and Human Resources to conduct negotiations regarding the City's collective bargaining agreements; and

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to expend funds to provide food and beverages during extended meetings called by the Director of Personnel and Human

Resources with the representatives of a majority of the City's labor unions in order to negotiate collective bargaining agreements, in a total amount not to exceed One Hundred Dollars (\$100.00) per meeting.

Section 2. That the Director of Personnel and Human Resources is hereby authorized to cause payment to be made to Ogden Services Corporation in the total amount of \$236.00 to provide coffee and water service for labor negotiations which occurred during four days in June 1995, payable from Fund No. 01-04-02-0471.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1463-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1997 State AIDS Community Based Care Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$56,750.00, from the Ohio Department of Health, to conduct the 1997 State AIDS Community Based Care Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1463-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1464-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of burials for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21839)

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1465-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1997 State AIDS Prevention Program, and authorizing the Director of Public Health to enter into contracts with various agencies for the implementation of the Project.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$129,750.00, from the Ohio Department of Health, to conduct the 1997 State AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set

forth in the application for said grant.

Section 2. That the application for said grant, File No. 1465-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts with Murtis H. Taylor Multi-Service Center, the City of East Cleveland, Community Action Against Addiction, and Stopping AIDS Is My Mission ("S.A.M.M.") for the implementation and operation of the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1470-96.

By Councilman Willis.

An emergency ordinance to name the park located on Moulton Avenue between East 115th and East 120th Street as the Moulton/Scoutway Park.

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 park situated on Moulton Avenue between East 115th Street and East 120th Street is hereby named the "Moulton/Scoutway Park."

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of appropriate signs, nameplates and plaques, and other references necessary to reflect the naming of Moulton/Scoutway Park.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1595-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 1996 general obligation bond issue for road and bridge improvements.

Whereas, pursuant to Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to

issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is hereby authorized to apply for the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvement projects:

1. Aetna Road Rehabilitation (from Broadway Avenue to East 93rd Street)
2. Bellaire Road Rehabilitation (from West 130th Street to West 105th Street)
3. Central Avenue Rehabilitation (from East 22nd Street to East 55th Street)
4. East 40th Street Rehabilitation (from Central Avenue to Superior Avenue)
5. East 79th Street Rehabilitation (from Chester Avenue to St. Clair Avenue)
6. London Road Rehabilitation (from Euclid Avenue to St. Clair Avenue)
7. Ridge Road Transfer Station
8. Western Road Rehabilitation (from West 117th Street to West 100th Street)
9. Hamlet Avenue and Adolpha Road Sewer Project

Section 2. That the Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's 1996 general obligation bond issue for bridge and road improvements.

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

Passed September 30, 1996.
Effective October 2, 1996.

Ord. No. 1709-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or their designee, for a term not to exceed two years, for the public purpose of leasing space for the offices of the Division of Information Systems Services.

Whereas, the City of Cleveland requires certain space located on the fourth floor of the Ninth Street Plaza Building for the public purpose of leasing space for the offices of the Division of Information Systems Services; and

Whereas, MJM Management Company, or their designee, has pro-

posed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to lease from MJM Management Company, or their designee, certain space more fully described as follows: The fourth floor of the Ninth Street Plaza Building, which is approximately 18,750 square feet of space.

Section 2. That the term of the lease authorized by Section 1 shall not exceed two years.

Section 3. That the rent for the lease authorized by Section 1 shall be \$14.50 per square foot.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties with the public purpose or purposes of leasing space for the offices of the Division of Information Systems Services.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 70 SF 140, Request No. 23204.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

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

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1760-96.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Jafus Boyd)

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

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

Whereas, this ordinance consti-

tutes 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: Jafus Boyd.

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 September 23, 1996.

Effective October 3, 1996 without the signature of the Mayor.

Ord. No. 1761-96.

By Councilman Smith.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Emeregilda Maximovich).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 14: Emeregilda Maximovich.

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 September 23, 1996.

Effective October 3, 1996 without the signature of the Mayor.

Ord. No. 1802-96.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Olivet Institutional Baptist Church to stretch four small flags on various light poles in the vicinity of the church, 8712 Quincy Avenue, for the period from October 18, 1996 to November 18, 1996, inclusive, publicizing its 65th Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Olivet Institutional Baptist Church to install, maintain and remove four small flags on various light poles in the vicinity of the church, 8712 Quincy Avenue, for the period from October 18, 1996 to November 18, 1996, inclusive. Said small flags shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags 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 September 30, 1996.

Effective October 9, 1996.

Ord. No. 1803-96.

By Councilman Britt.

An emergency ordinance consenting and approving the issuance of a permit for a Juno Jog on October 5, 1996, sponsored by HMA Sports.

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 Juno Jog, sponsored by HMA Sports, on October 5, 1996, beginning at E. 90th St. and Euclid, E. 90th St. to Quincy, Quincy to E. 87th St., E. 87th St. to Cedar, Cedar to E. 89th St., E. 89th St. to Carnegie, Carnegie to E. 90th St., E. 90th St. to Quincy, Quincy to E. 87th St., E. 87th St. to Cedar, Cedar to E. 89th St., E. 89th St. to Chester and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as deter-

mined 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 September 30, 1996.

Effective October 9, 1996.

Ord. No. 1804-96.

By Councilmen Coats, Johnson, Robinson, O'Malley, Patton, Lewis, Melena, White, Zone and McGuirk.

An emergency ordinance directing the director of the appropriate city department to undertake and complete an impact study prior to the introduction of legislation to privatize city functions or services.

Whereas, the Mayor desires to privatize certain city services and functions and has accepted proposals from various entities and has analyzed these proposals; and

Whereas, it is Council's desire to fully understand the impact that any proposed privatization of city services and functions may have on the City in general and on current city employees, employment opportunities for city residents, city payroll, income tax collection, city population statistics, and other relevant issues in particular should privatization go forward; and

Whereas, it is appropriate and necessary for this Council to examine these matters carefully since it affects the livelihood and well-being of many residents and businesses in the City of Cleveland; and

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

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

Section 1. That prior to the introduction of legislation seeking to privatize any City functions or services, the director of the appropriate department shall undertake a study to analyze the impact privatization may have on the City as a whole including, but not limited to, its effect on current city employees, the city budget, employment opportunities for city residents, city payroll, city income tax collection, city population statistics, labor unions, businesses, and other relevant issues that may affect a thorough analysis of privatization of the particular City service or function.

Section 2. That the impact study required in Section 1 hereinabove shall be submitted to Council at least twenty (20) days prior to the introduction of any proposed privatization legislation.

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

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1805-96.

By Councilman Jackson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Botanical Gardens to stretch a banner in front of 6545 Carnegie Avenue for the period from October 1, 1996 to October 22, 1996, inclusive, publicizing its White Elephant Sale.

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 the Cleveland Botanical Gardens to install, maintain and remove a banner in front of 6545 Carnegie Avenue for the period from October 1, 1996 to October 22, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 30, 1996.
Effective October 9, 1996.

Ord. No. 1806-96.

By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1528 East 86 Street to Irving and Catherine V. Dominic.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-22-021, as more fully described in Section 2 below, to Irving and Catherine V. Dominic.

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

P.P. No. 106-22-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows: Beginning on the Westerly line of East 86th Street (formerly Marcy Avenue) at the Southeasterly corner of land conveyed by Lawrence J. Block to Ellen New by deed dated February 4, 1904, and recorded in Volume 911, Page 599 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to Ellen New 134 feet; to the Northeasterly corner of land conveyed by Alice Clerk Heydler and Charles Heydler, husband and wife, to Mary A. Wehrle by deed dated March 5, 1904 and recorded in Volume 920, Page 133 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Harry A. Wehrle 38 feet to the Northwesterly corner of land conveyed by George F. Smith and Gertrude A. Smith, his wife, to Addison Snively and Solomon Everett by deed dated January 29, 1910 and recorded in Volume 1236, Page 67 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Addison Snively and Solomon Everett 134 feet to the Westerly line of East 86th Street; thence Northerly along said Westerly line of East 86th Street; 38 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscel-

laneous Volume 111, Page 43 of Cuyahoga County Records.

Zoning Ordinances, if any.

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

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

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

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

Passed September 30, 1996.
Effective October 9, 1996.

COUNCIL COMMITTEE MEETINGS

Monday, October 7, 1996

Finance Committee: 2:00 P.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Rybka, Smith. Excused: Robinson.

Tuesday, October 8, 1996

Legislation Committee: 1:30 P.M. — Present: McGuirk, Chrm.; Willis, V-Chrm.; Britt, Johnson, Patton, Rokakis. Excused: Rybka.

Wednesday, October 9, 1996

Public Safety Committee: 10:00 A.M. — Present: Polensek, Chrm.; Willis, Vice Chrm., Jackson, Miller, O'Malley, Patmon, Patton, Paulenske. Excused: Zone.

Public Utilities Committee: 1:30 P.M. — Present: Patton, Chrm.; Polensek, Vice Chrm., Coats, Lewis, McGuirk, O'Malley, Willis. Excused: Patmon, Zone.

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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Safety Department

Accept Grant -- Ohio State Board of Emergency Medical Services -- 1996-97 EMS (O 1461-96)..... 1924
 Enter into lease agreement -- Fire alarm building -- located at Carnegie Avenue and Ontario Street -- Western Reserve Fire Buffs Foundation (O 1308-96)..... 1935

Service Department

Calling Israeli and Palestinian leadership to heed United Nations Security Council Resolution No. 1073 (1996) calls for an immediate reversal of all acts aggravating the situation (R 1846-96) 1920
 City of Cleveland -- repair and resurfacing -- Lorain Road (O 1439-96)..... 1936
 Declaring the intention to vacate a portion of West 118th Street (R 1847-96) 1920
 Determining public improvement rehabilitating -- reconstructing Cornell Road -- employ professional design engineering services (O 1433-96) 1923-1925

Determining the method rehabilitating and reconstructing Arlington Avenue and East 123rd Street (O 1471-96) 1923-1925

Employ software development, engineering and data processing -- provide professional services -- develop and implement the Geographic information System (O 1833-96) 1908

Mayor -- apply to the District One Public Works integrating Committee -- state funding credit enhancements (O 1595-96) **1942**

Opposing passage of HR 1020/S.1271 which could lead to transport by railway and highway of high level radioactive waste (R 1845-96)..... 1919

Permit -- WorldCom Network Services Inc. -- install operate and maintain underground long distance telecommunications cable (O 1844-96) 1919

Rehabilitating and Reconstructing Bessemer Avenue From East 65th Street to East 88th Street (O 1468-96) 1923-1925

Rehabilitating and Reconstructing East 55th Street from Blanche Avenue -- employ professional design engineering (O 1467-96) 1923-1925

Statement of Work Acceptance

Contract No. 49992 for the improvement of jail cells (F 1829-96) 1907

Utilities Department

Enter into agreements -- State of Ohio -- Transportation for adjustment of existing waterline (O 1303-96)..... 1923-1925