

The City Record

Official Publication of the Council of the City of Cleveland



November the Seventh, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Jeffrey D. Johnson
- 9 Kevin Conwell
- 10 Eugene R. Miller
- 11 Michael D. Polensek
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Jay Westbrook
- 17 Dona Brady
- 18 Martin J. Sweeney
- 19 Martin J. Keane

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name Residence	
1	Terrell H. Pruitt16920 Throckley Avenue	44128
2	Zachary Reed3734 East 149th Street	44120
3	Joe CimpermanP.O. Box 91688	44101
4	Kenneth L. Johnson2948 Hampton Road	44120
5	Phyllis E. Cleveland2369 East 36th Street	44105
6	Mamie J. Mitchell12701 Shaker Boulevard, #712	44120
7	TJ Dow7715 Decker Avenue	44103
8	Jeffrey D. Johnson9024 Parkgate Avenue	44108
9	Kevin Conwell10647 Ashbury Avenue	44106
10	Eugene R. Miller13615 Kelso Avenue	44110
11	Michael D. Polensek17855 Brian Avenue	44119
12	Anthony Brancatelli6924 Ottawa Road	44105
13	Kevin J. Kelley5904 Parkridge Avenue	44144
14	Brian J. Cummins3104 Mapledale Avenue	44109
15	Matthew Zone1228 West 69th Street	44102
16	Jay Westbrook1278 West 103rd Street	44102
17	Dona Brady1272 West Boulevard	44102
18	Martin J. Sweeney3632 West 133rd Street	44111
19	Martin J. Keane15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
Engineering and Construction – _____, Manager
Real Estate – _____, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, Chief Counsel,
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
Room 106; Michael Ruffing, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – _____, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Alex Margevicius, Interim Commissioner
Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager
Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner
Park Maintenance and Properties – Richard L. Silva, Commissioner
Parking Facilities – Leigh Stevens, Commissioner
Property Management – Tom Nagle, Commissioner
Recreation – Kim Johnson, Commissioner
Streets – _____, Commissioner
Traffic Engineering – Robert Mavec, Commissioner
Waste Collection and Disposal – Ron Owens, Commissioner

DEPT. OF PUBLIC HEALTH – Karen Butler, Director, Mural Building, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner
Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
Fair Housing and Consumer Affairs Office – _____, Manager
Neighborhood Development – Chris Garland, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Barry A. Withers; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

FAIR HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

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

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

MORAL CLAIMS COMMISSION – Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Barbara A. Langhenry.

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
Judge Pinkey S. Carr – Courtroom 12A
Judge Marilyn B. Cassidy – Courtroom 12B
Judge Michelle Denise Earley – Courtroom 12C
Judge Emanuella Groves – Courtroom 14B
Judge Anita Laster Mays – Courtroom 14C
Judge Lauren C. Moore – Courtroom 14A
Judge Charles L. Patton, Jr. – Courtroom 13D
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
Judge Michael John Ryan – Courtroom 13A
Judge Angela R. Stokes – Courtroom 15C
Judge Pauline H. Tarver – Courtroom 13C
Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

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WEDNESDAY, NOVEMBER 7, 2012

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CITY COUNCIL

MONDAY, NOVEMBER 5, 2012

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Polensek, Reed.

11:00 A.M. — **Public Service Committee:** Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

11:00 A.M. — **Legislation Committee:** Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

MONDAY

2:00 P.M. — **Finance Committee:** Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Pruitt, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Kelley, Miller, Polensek, Westbrook.

1:30 P.M. — **City Planning Committee:** Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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

Rules Committee: Sweeney, Chair; Cleveland, Keane, Polensek, Pruitt.

Personnel and Operations Committee: Westbrook, Chair; Conwell, K. Johnson, Kelley, Mitchell, Sweeney, Zone.

Mayor's Appointment Committee: Dow, Chair; Cleveland, Kelley, Miller, Sweeney.

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 31, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 31, 2012 at 10:47 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Southerington.

Others: Jomarie Wasik, Director, Mayor's Office of Capital Projects.

C. Whitaker, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 553-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 2234-05, passed by the Cleveland City Council on January 23, 2006, as amended by Ordinance No. 1717-06 passed November 20, 2006, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 68241 with Gray Matter Systems, LLC, for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 2, items 7.001-7.032, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 C.O., and Board of Control Resolution No. 573-11, adopted November 30, 2011, the City entered into a contract with Gray Matter Systems, LLC, City Contract No. PS2012-019 to obtain software support, maintenance services and licenses for the Plant Computer Control Systems (PCCS), GE Proficy Software, and technical support and maintenance services for the Supervisory Control and Data Acquisition (SCADA) system for one year starting January 1, 2012, for the Division of Water, Department of Public Utilities; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Gray Matter Systems, LLC to renew the necessary software licenses and to continue to obtain software support and maintenance services for the Plant Computer Control Systems (PCCS), GE Proficy Software, and the technical support and maintenance services for the Supervisory Control and Data Acquisition (SCADA) system, for one year starting January 1, 2013; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid for license fees and for maintenance and support services to be performed under the contract with Gray Matter Systems,

LLC for the one-year term starting January 1, 2013, shall not exceed \$177,563.05.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 554-12.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 11, 2012 for the purchase of an estimated quantity of high voltage switching equipment, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 555-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Michael Baker Jr., Inc., under City Contract No. PS2012*197 for general planning, engineering and design services for the various divisions of the Department of Port Control, authorized by Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012, and Board of Control Resolution No. 350-12, adopted July 18, 2012, is approved.

Subcontractor	DBE %	Amount
Barrie Projects, LLC	2.85%	Non-DBE \$10,000.00

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 556-12.

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Door Controls, Inc., for an estimated quantity of parts to maintain and repair automatic doors, including labor and installation, if necessary, all items, for the various divisions of the Department of Port Control, for a period of two years beginning with the date of execution of a contract, received on May 23, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$98,460.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,000.00.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 557-12.

By Director Wasik.

Whereas, under the authority of Ordinance No. 592-12, passed June 6, 2011 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary for the rehabilitation of Cedar Avenue from East 89th Street to Martin Luther King Jr. Boulevard, for a consideration not exceeding fair market value, as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the amount of \$3,550.00 to be paid to University Circle Incorporated as consideration for acquisition of the portion of P.P.N. 121-24-031, located at the intersection of Cedar Road and Stokes Boulevard and more fully described as follows, is determined not to exceed fair market value:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, also known as being part of University Circle Incorporated Lot consolidation in the City of Cleveland as recorded in Cuyahoga County records File no. 200201140088 on January 17, 2002, and further bounded and described as follows:

Commencing at the intersection of the northerly right of way line of Cedar Avenue with the southeasterly right of way line of Stokes Boulevard formerly known as Fairhill Road also being the point on the intersection of the southerly right of way and northeasterly right of way lines of University Circle Incorporated and the true place of beginning of the parcel herein described;

1. thence, North 86°36'41" West a distance of 26.64 feet along the northerly right of way line of Cedar Avenue and the southerly right of way line of University Circle Incorporated, to a point;

2. thence, North 37°46'04" East a distance of 19.00 feet to a point on the southwesterly right of way line of Stokes Boulevard and the northeasterly right of way line of University Circle Incorporated;

3. thence, South 42°01'35" East a distance of 22.34 feet along the southwesterly right of way line of Stokes Boulevard and the northeasterly right of way line of University Circle Incorporated to the true place of beginning and containing 208.82 square feet of land, more or less.

This description was prepared and reviewed on June 13, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

The basis of bearings is the centerline of Cedar Avenue (North 86°36'41" West) per Cleveland Regional Geodetic Survey and all

other bearings are relative thereto for the purpose of indicating angular measurement.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 558-12.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Feghali Brothers, LLC., for an estimated quantity of capital maintenance and repair of City facilities, items E1, E3, and E4, for the Division of Property Management, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with a one-year renewal option, received on October 10, 2012, under the authority of Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$68,100.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods.

The requirement contract shall further provide that the Contractor shall furnish all of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 559-12.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fred L. Wiggins dba Wiggins Interiors, for an estimated quantity of capital maintenance and repair of City facilities, items F1, F3, and F4, for the Division of Property Management, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with a one-year renewal option, received on October 10, 2012, under the authority of Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$42,710.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods.

The requirement contract shall further provide that the Contractor shall furnish all of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 560-12.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 10, 2012, for capital maintenance and repair to City facilities, Items A1, A2, D1, D2, H1a and H1b for the Division of Property Management, Department of Public Works, under the authority of Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 561-12.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-21-025 located on East 65th Street in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Sylvester Ivory, Sr. has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Sylvester Ivory, Sr. for the sale and development of Permanent Parcel No. 104-21-025 located on East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 562-12.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-01-058 located at 1843 East 81st Street in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, David L. Johnson has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with David L. Johnson for the sale and development of Permanent Parcel No. 119-01-058 located at 1843 East 81st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 563-12.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 106-10-072 located on Melrose Avenue in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have

been met, to sell Land Reutilization Program parcels; and

Whereas, Robert Thomas has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Robert Thomas for the sale and development of Permanent Parcel No. 106-10-072 located on Melrose Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 564-12.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 105-31-070 located at 1042 East 77th Street in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, James A. Johnson, Sr. has proposed to the City to purchase and develop the parcel for yard expansion and new garage; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified

Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with James A. Johnson, Sr. for the sale and development of Permanent Parcel No. 105-31-070 located at 1042 East 77th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 565-12.

By Director Butler.

Resolved by the Board of Control of the City of Cleveland that the bid of Bican Bros Inc. for cremation of the indigent dead, all items, for the Division of Health, Department of Public Health, for a period of two years beginning upon the date of execution of a contract, with two options to renew, each for an additional one year, received on August 30, 2012, under the authority of Ordinance No. 403-12, passed April 23, 2012, which on the basis of the estimated quantity would amount to \$79,835.00, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for the specified services.

The requirement contract shall further provide that the Contractor shall furnish the City's requirements for the specified services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Be it further resolved that the employment of the following subcontractor by Bican Bros., Inc. for the above-mentioned services is approved:

<u>Subcontractor</u>	<u>Amount</u>	<u>%</u>
Cremation Service, Inc non-certified	\$27,400.00	0.000%

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Acting Directors Baker, Eckart, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

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 stated 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.

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 19, 2012

9:30 A.M.

Calendar No. 12-154: 8601 Euclid Avenue (Ward 6)

Euclid Avenue Church of God, by and through counsel Kenneth J. Fisher, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and from a ruling of the Cleveland Landmarks Commission on July 12, 2012 to disapprove a Certificate of Appropriateness to demolish the structure located on the property at 8601 Euclid Avenue pursuant to Section 161.05 in the Cleveland Codified Ordinances.

Calendar No. 12-174: 14405 Sylvia Avenue (Ward 10)

Raymond Gould appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Photo Safety Division on October 3, 2012 and the violation information described on Civil Infraction Ticket Number WC00064659, issued August 20, 2012 for the property located at 14405 Sylvia Avenue and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Calendar No. 12-184: 6555 Carnegie Avenue (Ward 5)

Hemingway at 6555 LLC. owner, appeals to erect a 180 foot telecommunications tower on an acreage parcel in a Midtown Mixed Use District 3; subject to the limitations in Schedule 344.04(c) the proposed tower is not a listed permitted or conditional use and is prohibited; and in the regulations under Section 354.06(a) a telecommunications tower shall be located only in Gen-

eral Retail, Shopping Center, Semi-Industry, General and Unrestricted Industry Districts; and as proposed in a Midtown Mixed Use District the tower is not subject to the benefit of Section 354.06(h) that allows towers to exceed proscribed height in the district. The proposed tower is approximately 1.95 miles from Burke Lakefront Airport, and no telecommunications tower subject to the regulations of Section 354.06(f) shall be located closer than 2 miles from a public airport, measured from the center of the tower to any border of the airport, unless closer proximity is permitted by the Board of Zoning Appeals, based upon a recommendation by the Department of Port Control.

Calendar No. 12-193: 300 East 185th Street (Ward 11)

Hospice of the Western Reserve, Inc., owner, appeals to erect a 128 foot high wind turbine on an acreage parcel located in an A1 One-Family District; and in accordance with Section 354.04(b)(2) a wind turbine, including one located in a Residence District, shall be set back from residential district lines of adjoining or nearby properties a minimum distance equal to two (2) times the height of the wind turbine and the proposed wind turbine is approximately 20 feet from a residential district property line contrary to a distance of 256 feet that is required; and by the provisions under Chapter 354A.07, all applications shall be accompanied by the following information, as applicable, in addition to information required for all Building Permit applications, to demonstrate compliance with the provisions of this chapter:

(3) Where lighting of the wind turbine is proposed a lighting plan indicating location, color and intensity of the lighting, both as it will appear in daylight and at night and indicating any mechanisms to prevent glare on adjacent properties and streets and to shield the lighting from residences to the maximum extent feasible;

(6) a statement by an engineer licensed in the State of Ohio certifying that the proposed wind turbine will meet the noise standard of this ordinance with respect to impacts on properties in nearby residential zoning districts;

(7) a statement indicating the estimated construction cost of the wind turbine and a statement indicating the estimated cost for demolition and removal of the wind turbine;

(8) a performance bond or equivalent financial instrument sufficient to cover the estimated demolition and removal of the wind turbine.

Pursuant to Chapter 354.08(b)(1), at all times the holder of a permit for a ground-mounted wind turbine shall maintain a performance bond or equivalent financial instrument sufficient to cover the demolition and removal of the wind turbine. Such bond or other instrument shall be sufficient to guarantee full and faithful performance of the requirements of this chapter and shall be satisfactory to the Director of Building and Housing and the Director of Law.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 5, 2012

At the meeting of the Board of Zoning Appeals on Monday, November 5, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Violation Notice

Calendar No. 12-175: 4405 Woburn Avenue

Tomford Capital LLC and Joseph Rezabek appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00144576; penalty amount reduced.

Violation Notice

Calendar No. 12-176: 3458 West 120th Street

Christopher Willard appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00144618; penalty amount reduced.

The following appeal was **DENIED:**

Calendar No. 12-142: 17149 St. Clair Avenue

Brian Kuhar appealed to expand a junk yard use to include wrecking and dismantling of motor vehicles in C2 Semi-Industry and B3 General Industry Districts.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 12-171: 3951 Rocky River Drive postponed to December 10, 2012.

Calendar No. 12-179: Appeal of D.E. Williams Electric scheduled for November 12, 2012 postponed to December 17, 2012.

The following appeals heard by the Board on October 29, 2012 were adopted and approved on November 5, 2012.

The following appeal was **APPROVED:**

Calendar No. 12-177: 6810 West Clinton Avenue

James Downing appealed to install 36 lineal feet of 6' high wooden fence along the side property line in a B1 Two-Family District.

The following appeal was **DENIED:**

Calendar No. 12-180: 15716 Corsica Avenue

Carey Peterka appealed to install a swimming pool 14' in diameter and a fence 4' high in the front yard of a one family dwelling in a B1 Two-Family District.

Secretary

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

PUBLIC NOTICE

REQUEST FOR PROPOSALS

The City of Cleveland is accepting proposals from qualified firms interested in providing professional service to Cleveland Division of Police for an Online Property Auction Service. Dates of acceptance are from November 5, 2012 at 5:00 p.m. to December 7, 2012 at 1:00 p.m. There will be a **NON-MANDATORY** meeting on Monday, November 19, 2012 at 1:00 p.m. at the Division of Police, 1300 Ontario Street, 7th Floor Police Academy, Cleveland, Ohio 44113.

The complete Request For Proposal can be found on the City of Cleveland website at (www.city.cleveland.oh.us). The contact person is Sgt. Justin McGinty at (216) 623-5256.

November 7, November 14, November 21, November 28 and December 5, 2012

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, NOVEMBER 28, 2012

File No. 140-12 — 1st District Police Station Structural Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 8, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 141-12 — Swimming Pool Improvements at Various Recreation Centers, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 534-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 8, 2012 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

October 31, 2012 and November 7, 2012

WEDNESDAY, DECEMBER 5, 2012

File No. 142-12 — Manholes, Casting, Pull Boxes and Gratings, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Sections 129.25, 129.25 and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, NOVEMBER 9, 2012 AT 10:00 A.M. THE TOM L. BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 31, 2012 and November 7, 2012

WEDNESDAY, DECEMBER 12, 2012

File No. 139-12 — Electrical Distribution Enhancement Project, Phase IIA, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 874-10, passed by the Council of the City of Cleveland, October 4, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, NOVEMBER 8, 2012 AT 1:00 P.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND PLUS CONFERENCE ROOM (BAGGAGE LEVEL IN TERMINAL), CLEVELAND, OHIO 44181.

October 31, 2012 and November 7, 2012

FRIDAY, NOVEMBER 30, 2012

File No. 148-12 — Madison Avenue Rehabilitation, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 593-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, NOVEMBER 15, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ENGINEERING AND CONSTRUCTION, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

WEDNESDAY, DECEMBER 5, 2012

File No. 147-12 — Lonnie Burten Recreation Center Waterslide Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 534-12, passed by the

Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, NOVEMBER 15, 2012 AT 2:00 P.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

THURSDAY, DECEMBER 6, 2012

File No. 145-12 — Decorative Post Lights and Address Lights, Including Installation to Implement Cleveland Public Power's Decorative Post Light Program, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 406-12, passed by the Council of the City of Cleveland, May 21, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, NOVEMBER 16, 2012 AT 10:00 A.M. THE TOM L. BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

WEDNESDAY, DECEMBER 12, 2012

File No. 143-12 — Maintaining Detention Facilities and Structures, 2012-2013, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 651-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, NOVEMBER 29, 2012 AT 10:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 144-12 — Rehabilitating and Relining Sewers at Various Locations Throughout the City for 2013-2014, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND

SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, NOVEMBER 29, 2012 AT 10:30 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 7, 2012 and November 14, 2012

THURSDAY, DECEMBER 13, 2012

File No. 146-12 — Street Lighting Lamps, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section No. 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, NOVEMBER 16, 2012 AT 2:30 P.M. THE TOM L. BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1256-12.

By Council Members Reed, Miller, Cleveland and Sweeney (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate up to six easements for public use in connection with the Harvard Avenue Bridge project.

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

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

Section 1. That for the public purpose of acquiring up to six easements to be used in connection with the Harvard Avenue Bridge project, it is necessary to appropriate, and this Council declares its intent to appropriate, the easements in and at the following locations:

PARCEL 29-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Utility purpose of performing the work necessary to build, operate and maintain overhead electricity, communications and street lighting system. Said easement to include the right of ingress and egress for access to facilities. Grantee shall notify grantor before entry upon grantor's property.

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 465, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northeast corner of Lot 465 and the centerline of right of way of Harvard Avenue at Station 101+15.36; thence, following the centerline of right of way of Harvard Avenue, South 89 degrees 42 minutes 26 seconds West a distance of 157.59 feet to a point on the centerline of right of way of Harvard Avenue Station 99+57.77; thence, South 00 degrees 17 minutes 34 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 99+57.77, 20.00 feet right at grantor's northeasterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's easterly property line South 00 degrees 17 minutes 34 seconds East a distance of 12.00 feet to a point at Station 99+57.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 89 degrees 42 minutes 26 seconds West a distance of 40.00 feet to a point at Station 99+17.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, North 00 degrees 17 minutes 34 seconds West a distance of 12.00 feet to a point at Station 99+17.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 89 degrees 42 minutes 26 seconds East a distance of 40.00 feet to the TRUE PLACE OF BEGINNING and containing 480.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-15-001.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 94-05957 pg. 9, Vol. 14255 pg. 79 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

**PARCEL 9-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO**

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio

and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101+15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 569.41 feet to a point on the centerline of right of way of Harvard Avenue Station 106+84.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 106+84.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107+14.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 11.30 feet to a point at Station 107+14.77, 31.30 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 22.60 feet to a point at Station 106+92.17, 31.30 feet right of the Harvard Avenue centerline of right of way;

4. thence, South 00 degrees 18 minutes 19 seconds East a distance of 8.50 feet to a point at Station 106+92.17, 39.80 feet right of the Harvard Avenue centerline of right of way;

5. thence, South 89 degrees 41 minutes 41 seconds West a distance of 7.40 feet to a point at Station 106+84.77, 39.80 feet right of the Harvard Avenue centerline of right of way;

6. thence, North 00 degrees 18 minutes 19 seconds West a distance of 19.80 feet to the TRUE PLACE OF BEGINNING and containing 402.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-004.

This description was prepared and reviewed on February 17, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 81-15485, Page 145, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

**PARCEL 9-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO**

Utility purpose of performing the work necessary to build, operate and maintain overhead electricity, com-

munications and street lighting system. Said easement to include the right of ingress and egress for access to facilities. Grantee shall notify grantor before entry upon grantor's property.

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101+15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 569.41 feet to a point on the centerline of right of way of Harvard Avenue Station 106+84.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 106+84.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107+14.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 12.00 feet to a point at Station 107+14.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 17.38 feet to a point at Station 106+97.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 0.60 feet to a point at Station 106+97.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

5. thence, South 89 degrees 41 minutes 41 seconds West a distance of 5.00 feet to a point at Station 106+92.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

6. thence, South 00 degrees 18 minutes 19 seconds East a distance of 0.60 feet to a point at Station 106+92.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

7. thence, South 89 degrees 41 minutes 41 seconds West a distance of 7.62 feet to a point at Station 106+84.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

8. thence, North 00 degrees 18 minutes 19 seconds West a distance of 12.00 feet to the TRUE PLACE OF BEGINNING and containing 357.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-004.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and

supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 81-15485 pg. 145 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 10-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 629.41 feet to a point on the centerline of right of way of Harvard Avenue Station 107 + 44.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 107 + 44.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107 + 74.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 10.00 feet to a point at Station 107 + 74.77, 30.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 30.00 feet to a point at Station 107 + 44.77, 30.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 10.00 feet to the TRUE PLACE OF BEGINNING and containing 300.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-006.

This description was prepared and reviewed on February 17, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in 200812180670, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 10-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Utility purpose of performing the work necessary to build, operate and maintain overhead electricity, communications and street lighting system. Said easement to include the right of ingress and egress for access to facilities. Grantee shall notify grantor before entry upon grantor's property.

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 629.41 feet to a point on the centerline of right of way of Harvard Avenue Station 107 + 44.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 107 + 44.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107 + 74.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 12.00 feet to a point at Station 107 + 74.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 30.00 feet to a point at Station 107 + 44.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 12.00 feet to the TRUE PLACE OF BEGINNING and containing 360.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-006.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Regis-

tered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in 200812180670 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 15-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO

REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 519.41 feet to a point on the centerline of right of way of Harvard Avenue Station 106 + 34.77 also Station 302 + 57.00 of the centerline of right of way of East 103rd Street; thence following the centerline of right of way of East 103rd Street, South 00 degrees 18 minutes 19 seconds East a distance of 151.00 feet to a point on the centerline of right of way of East 103rd Street Station 301 + 06.00; thence North 89 degrees 41 minutes 41 seconds East a distance of 20.00 feet to a point on the easterly right of way line of East 103rd Street Station 301 + 06.00, 20.00 feet right at grantor's southwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's westerly property line North 00 degrees 18 minutes 19 seconds West a distance of 30.00 feet to a point at Station 301 + 36.00, 20.00 feet right of the East 103rd Street centerline of right of way;

2. thence, North 89 degrees 41 minutes 41 seconds East a distance of 18.00 feet to a point at Station 301 + 36.00, 38.00 feet right of the East 103rd Street centerline of right of way;

3. thence, South 00 degrees 18 minutes 19 seconds East a distance of 8.01 feet to a point at Station 301 + 27.99, 38.00 feet right of the East 103rd Street centerline of right of way;

4. thence, South 89 degrees 41 minutes 41 seconds West a distance of 6.38 feet to a point at Station 301 + 27.99, 31.62 feet right of the East 103rd Street centerline of right of way;

5. thence, South 00 degrees 18 minutes 19 seconds East a distance of 2.00 feet to a point at Station 301 + 25.99, 31.62 feet right of the East 103rd Street centerline of right of way;

6. thence, South 89 degrees 41 minutes 41 seconds West a distance of

2.00 feet to a point at Station 301 + 25.99, 29.62 feet right of the East 103rd Street centerline of right of way;

7. thence, South 00 degrees 18 minutes 19 seconds East a distance of 5.00 feet to a point at Station 301 + 20.99, 29.62 feet right of the East 103rd Street centerline of right of way;

8. thence, South 01 degrees 42 minutes 22 seconds East a distance of 14.99 feet to a point at Station 301 + 06.00, 30.00 feet right of the East 103rd Street centerline of right of way;

9. thence, South 89 degrees 41 minutes 41 seconds West a distance of 10.00 feet to the TRUE PLACE OF BEGINNING and containing 363.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-059.

This description was prepared and reviewed on May 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 98-06849, Page 7, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

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

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

Adopted October 29, 2012.

Effective October 29, 2012.

Res. No. 1557-12.

By Council Member Conwell.

An emergency resolution requesting the Ohio General Assembly to make physical assault on public transit workers a felony under Ohio law.

Whereas, recently a bus driver for the Regional Transit Authority in Cleveland was the subject of an assault by a passenger; and

Whereas, bus drivers and all transit workers are at greater risk of assaults, verbal abuse and other injuries due to the intimate nature of their work with the general public; and

Whereas, other states have laws that provide specific penalties for harming public transportation workers; and

Whereas, in order to better protect our public transportation workers while on the job, the state of Ohio

should adopt a law specifically making assault on a public transportation worker a felony; and

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

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

Section 1. That this Council hereby requests the Ohio General Assembly to make physical assault on public transit workers a felony under Ohio law.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members of the Ohio General Assembly.

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

Adopted October 29, 2012.

Awaiting approval or disapproval of the Mayor.

Res. No. 1558-12.

By Council Member Mitchell.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3600 East 116th Street and repealing Resolution No. 1282-12 objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3600 East 116th Street by Resolution No. 1282-12 adopted by the Council on September 10, 2012; 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 for the immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That objection to a C2 and C2X Liquor Permit to Tuz, Inc., 3600 East 116th Street, Cleveland, Ohio 44104, Permanent Number 9115172 be and the same is hereby withdrawn and Resolution No. 1282-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 29, 2012.

Effective November 6, 2012.

Res. No. 1560-12.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A

Liquor Permit at 2102 Freeman Avenue, 1st floor and basement and repealing Resolution No. 1219-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent No. 88712680005 by Resolution No. 1219-12 adopted by the Council on September 10, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent No. 88712680005, be and the same is hereby withdrawn and Resolution No. 1219-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 October 29, 2012.

Effective November 6, 2012.

Res. No. 1561-12.

By Council Member Cummins.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 2700 West 25th Street, Unit B and repealing Resolution No. 1143-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to RK Nagra, Inc., DBA Sun Valley Beverage, 2700 West 25th Street, Unit B, Cleveland, Ohio 44113, Permanent No. 7149228 by Resolution No. 1143-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 RK Nagra, Inc., DBA Sun Valley Beverage, 2700 West 25th Street, Unit B, Cleveland, Ohio 44113, Permanent No. 7149228, be and the same is hereby withdrawn and Resolution No. 1143-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 October 29, 2012.
Effective November 6, 2012.

Res. No. 1563-12.

By Council Member Mitchell.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 3643 East 116th Street and repealing Resolution No. 1222-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 415 68th Street Deli, Inc., 3643 East 116th Street, Cleveland, Ohio 44105, Permanent No. 2840000 by Resolution No. 1222-12 adopted by the Council on September 10, 2012; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 415 68th Street Deli, Inc., 3643 East 116th Street, Cleveland, Ohio 44105, Permanent No. 2840000, be and the same is hereby withdrawn and Resolution No. 944-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 October 29, 2012.
Effective November 6, 2012.

Ord. No. 654-12.

By Council Members Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of East 105th Street by installing, using, and maintaining an electrical duct bank.

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 Capital Projects is authorized to issue a permit, revocable at the will

of Council to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way of East 105th Street below grade, by installing, using, and maintaining an electrical duct bank, at the following location:

**ELECTRIC DUCT BANK
ENCROACHMENT WITHIN
EAST 105TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being an Encroachment, 10 feet in width, through E. 105th Street, south of Euclid Avenue, north of Carnegie Avenue and more fully described as follows:

Beginning at a centerline monument found at the intersection of Euclid Avenue with E. 105th Street; Thence southeasterly along the centerline of E. 105th Street, S-01°05'59"-E (bearings referenced to the Ohio Coordinate System, North Zone, NAD83), 553.54 feet to the True Place of Beginning for the easement hereinafter described;

Thence northeasterly across E. 105th Street, N-85°16'34"-E, 40.08 feet to the easterly right-of-way line of said E. 105th Street;

Thence southeasterly along said easterly right-of-way line, S-01°05'59"-E, 10.02 feet to a point;

Thence southwesterly across E. 105th Street, S-85°16'34"-W, 75.15 feet to the westerly right-of-way line of said E. 105th Street;

Thence northwesterly along said westerly right-of-way line, N-01°05'59"-W, 10.02 feet to a point;

Thence northeasterly across E. 105th Street, N-85°16'34"-E, 35.07 feet to the True Place of Beginning for the easement hereinbefore described and containing 752 Square Feet of land as surveyed by Daniel C. Kalstrom, Professional Surveyor (Reg. No. 6302) in April, 2012.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 893-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Lutheran Metro Properties, LLC to encroach into the public right-of-way at 4515 Superior Avenue by installing, using, and maintaining certain streetscape amenities.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to Lutheran Metro Properties, LLC, 1468 West 25th Street, Cleveland, Ohio 44103 ("Permittee"), to encroach into the public right-of-way at 4515 Superior Avenue by installing, using, and maintaining the streetscape amenities described below, within the following locations:

Located within an 8-foot by 203-foot strip along the north right-of-way of Superior Avenue in front of 4515 Superior Avenue

Amenities

- 1.) 12' light pole for general site lighting;
- 2.) Two site benches;
- 3.) Bike rack;
- 4.) Illuminated ground sign;
- 5.) Two parking spaces with a catch basin at each;
- 6.) Planting bed.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 894-12.

By Council Members Cimperman, J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Crown Castle NG East Inc. to encroach into the public right-of-way with 24 nodes (distributed antenna systems) to be attached to Cleveland Public Power utility poles and City of Cleveland traffic signal poles (by separate permission of the poles' owners) along with 24 ground cabinets.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to Crown Castle NG East Inc., 2000 Corporate Drive, Canonburg, PA 15317 ("Permittee") to encroach into the public right-of-way of various streets by installing, using, and maintaining 24 nodes (distributed antenna systems) to be attached to Cleveland Public Power utility poles and City of Cleveland traffic-signal poles (by separate permission of the poles' owners) along with 24 ground cabinets, at the locations more fully described as follows:

Address	Pole Type	Owner
1907 Superior Ave. E	Fiberglass Streetlight	CPP
1575 Superior Ave. E	Fiberglass Streetlight	CPP
1192 Superior Ave. E	Steel Traffic Pole	City
606 Superior Ave. E	Steel Traffic Pole	City
2004 SR-14/US-422	Steel Traffic Pole	City
2160 SR-14/US-422	Steel Streetlight	CPP
2298 SR-14/US-422	Steel Streetlight	CPP
1983 E. 9th St.	Steel Traffic Pole	City
2204 E. 9th St.	Steel Traffic Pole	City
1389 Euclid Ave.	Steel Traffic Pole	City
1795 Euclid Ave.	Steel Traffic Pole	City
2289 E. 18th St.	Steel Traffic Pole	City
2110 Prospect Ave.	Steel Traffic Pole	City
2100 Chester Ave.	Steel Traffic Pole	City
2449 Chester Ave.	Wood Streetlight	CPP
2388 Euclid Ave.	Steel Traffic Pole	City
188 St Clair Ave. NE	Steel Traffic Pole	City
26 W. Lakeside Ave.	Steel Streetlight	CPP
603 E. Lakeside Ave.	Steel Traffic Pole	City
1063 Lakeside Ave. E	Concrete Streetlight	CPP
920 St Clair Ave. NE	Steel Traffic Pole	City
801 W. Superior Ave.	Steel Traffic Pole	City
1150 E. 9th St.	Fiberglass Streetlight	CPP
601 Erieside Ave.	Fiberglass Streetlight	CPP

Section 2. That Permittee may assign the permit only with the written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

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

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

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

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 895-12.

By Council Members Brancatelli, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to appropriate property for the public purpose of improving the intersection of Ackley Road and Broadway Avenue at Union Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 751-12, adopted July 11, 2012, declared the necessity and intention of appropriating the property interests described in this ordinance for the public purpose of improving the intersection of Ackley Road and Broadway Avenue at Union Avenue; and

Whereas, notice of the adoption Resolution No. 751-12 has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of improving the intersection of Ackley Road and Broadway Avenue at Union Avenue, the following described two permanent easements are appropriated:

**PARCEL 1-SH
CUY-14-3,74
PERPETUAL EASEMENT FOR
HIGHWAY PURPOSES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 3 and 4 in Thomas Hinde's Subdivision of part of Original One Hundred Acre Lot No. 321 as recorded in Volume 7, Page 31 of the Cuyahoga County Map Records. Also being part of the land conveyed to 6241 Broadway, LLC as recorded in Instrument No. 201104250488 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Hinde Avenue (40 feet wide) and the centerline of Broadway Avenue (66 feet wide), said point being North 45° 46' 28" West, 134.06 feet from a 1" iron pin in a monument box found at the intersection of the centerline of right of way and construction of Broadway Avenue at centerline Station 80 + 35.50 and the centerline of Union Avenue (60 feet wide), also being the southerly line of Original One Hundred Acre Lot No. 321;

Thence, along the centerline of Hinde Avenue, North 43° 52' 02" East, 32.88 feet;

Thence, leaving said centerline South 46° 07' 58" East, 20.00 feet to the intersection of the southeasterly right of way of Hinde Avenue and the existing northeasterly right of way of Broadway Avenue and the True Point of Beginning for the easement herein described, said point being at Station 79 + 21.23, 33.00 feet left of centerline of right of way and construction of Broadway Avenue;

Thence, along the southeasterly right of way of Hinde Avenue, North 43° 52' 02" East, 1.00 feet;

Thence, South 45° 46' 28" East, 84.88 feet;

Thence, 39.50 feet along the arc of a curve which deflects to the left, to the northerly right of way of Union Avenue, said curve having a radius of 50.00 feet, a central angle of 45° 16' 05", and a chord of 38.48 feet which bears South 68° 24' 31" East;

Thence, along the northerly right of way of Union Avenue, South 88° 57' 27" West, 22.26 feet to the existing northeasterly right of way of Broadway Avenue;

Thence, along said right of way of Broadway Avenue, North 45° 46' 28" West, 104.73 feet to the point of beginning.

Containing within said bounds 0.0037 acres (160 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in March, 2011.

Bearings are based on the Cleveland Regional Geodetic Survey.

**PARCEL 4-SH
CUY-14-374
PERPETUAL EASEMENT FOR
HIGHWAY PURPOSES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 290 in Hubbard Cook Trustee Allotment of part of Original One Hundred Acre Lot Nos. 317 and 321 as recorded in Volume 6, Page 21 of the Cuyahoga County Map Records, being also part of Parcel No. 1 in Lot Split and Consolidation Plat recorded in Volume 267, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to McDonald's Corporation as recorded in Instrument No. 200412140678 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill hole in a stone in a monument box found in the centerline of right of way of Ackley Road (60 feet wide), said point being South 44° 55' 23" West, 29.95 feet from the intersection of the centerline of right of way of Ackley Road at centerline Station 10 + 00.00 and the centerline of right of way and construction of Broadway Avenue (66 feet wide) at centerline Station 79 + 90.79;

Thence, along said centerline of Ackley Road, South 44° 55' 23" West, 148.25 feet;

Thence, leaving said centerline, South 45° 04' 37" East, 30.00 feet to the existing southeasterly right of way of Ackley Road and the True Point of Beginning for the easement herein described said point being at Station 8 + 15.26, 27.77 feet right of centerline of construction of Ackley Road;

Thence, along the existing southeasterly right of way of Ackley Road, North 44° 55' 23" East, 37.33 feet to the southwesterly corner of land conveyed to City of Cleveland as recorded in Instrument No. 200502010335 of the Cuyahoga County Records;

Thence, along City of Cleveland's southwesterly line, along the arc of a curve which deflects to the left, 11.47 feet, said curve having a radius of 1459.00 feet, a central angle of 00° 27' 02", and a chord of 11.47 feet which bears South 74° 36' 52" East;

Thence, 40.59 feet along the arc of a curve which deflects to the left, said curve having a radius of 339.50 feet, a central angle of 06° 51' 02", and a chord of 40.57 feet which bears South 58° 16' 24" West;

Thence, South 54° 50' 53" West, 3.57 feet to the point of beginning.

Containing within said bounds 0.0038 acres (166 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in March, 2011.

Bearings are based on the Cleveland Regional Geodetic Survey.

Section 2. That for the public purpose of improving the intersection of Ackley Road and Broadway Avenue at Union Avenue, the following described three temporary easements are appropriated:

**PARCEL 1-T
CUY-14-374
TEMPORARY EASEMENT**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 3 and 4 in Thomas Hinde's Subdivision of part of Original One Hundred Acre Lot No. 321 as recorded in Volume 7, Page 31 of the Cuyahoga County Map Records. Also being part of the land conveyed to 6241 Broadway, LLC as recorded in Instrument No. 201104250488 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Hinde Avenue (40 feet wide) and the centerline of Broadway Avenue (66 feet wide), said point being North 45° 46' 28" West, 134.06 feet from a 1" iron pin in a monument box found at the intersection of the centerline of right of way and construction of Broadway Avenue at centerline Station 80 + 35.50 and the centerline of Union Avenue (60 feet wide), also being the southerly line of Original One Hundred Acre Lot No. 321;

Thence, along the centerline of Hinde Avenue, North 43° 52' 02" East, 32.88 feet;

Thence, leaving said centerline South 46° 07' 58" East, 20.00 feet to the intersection of the southeasterly right of way of Hinde Avenue and the existing northeasterly right of way of Broadway Avenue;

Thence, along the southeasterly right of way of Hinde Avenue, North 43° 52' 02" East, 1.00 feet to the True

Point of Beginning for the easement herein described, said point being at Station 79 + 21.23, 34.00 feet left of centerline of right of way and construction of Broadway Avenue;

Thence, continuing along the southeasterly right of way of Hinde Avenue, North 43° 52' 02" East, 1.20 feet;

Thence, leaving said right of way, South 58° 43' 16" East, 21.41 feet;

Thence, South 45° 46' 28" East, 86.12 feet;

Thence, South 43° 52' 02" West, 0.85 feet;

Thence 22.90 feet along the arc of a curve which deflects to the right, said curve having a radius of 50.00 feet, a central angle of 26° 14' 13", and a chord of 22.70 feet which bears North 58° 53' 35" West;

Thence North 45° 46' 28" West, 84.88 feet to the point of beginning.

Containing within said bounds 0.0127 acres (555 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in March, 2011.

Bearings are based on the Cleveland Regional Geodetic Survey.

**PARCEL 4-T
CUY-14-374
TEMPORARY EASEMENT**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 289 and 290 in Hubbard Cook Trustee Allotment of part of Original One Hundred Acre Lot Nos. 317 and 321 as recorded in Volume 6, Page 21 of the Cuyahoga County Map Records, being also part of Parcel No. 1 in Lot Split and Consolidation Plat recorded in Volume 267, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to McDonald's Corporation as recorded in Instrument No. 200412140678 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill hole in a stone in a monument box found in the centerline of right of way of Ackley Road (60 feet wide), said point being South 44° 55' 23" West, 29.95 feet from the intersection of the centerline of right of way of Ackley Road at centerline Station 10 + 00.00 and the centerline of right of way and construction of Broadway Avenue (66 feet wide) at centerline Station 79 + 90.79;

Thence, along said centerline of Ackley Road, South 44° 55' 23" West, 148.25 feet;

Thence, leaving said centerline, South 45° 04' 37" East, 30.00 feet to existing southeasterly right of way of Ackley Road and the True Point of Beginning for the parcel herein described, said point being at Station 8 + 15.26, 27.77 feet right of centerline of construction of Ackley Road;

Thence, North 54° 50' 53" East, 3.57 feet;

Thence, 40.59 feet along the arc of a curve which deflects to the right, to the southwesterly line of land conveyed to City of Cleveland as recorded in Instrument No. 200502010335 of the Cuyahoga County Records, said curve having a radius of 339.50 feet, a central angle of 06° 51' 02", and a chord of 40.57 feet which bears North 58° 16' 24" East;

Thence, along City of Cleveland's southwesterly line, along the arc of a curve which deflects to the left, 8.61 feet, said curve having a radius of

1459.00 feet, a central angle of 00° 20' 17", and a chord of 8.61 feet which bears South 75° 00' 32" East;

Thence leaving said line, South 56° 25' 26" West, 32.78 feet;

Thence, South 42° 23' 43" West, 42.97 feet;

Thence, South 87° 28' 43" West, 13.10 feet;

Thence, South 48° 59' 28" West, 55.57 feet to the existing southeasterly right of way of Ackley Road;

Thence, along the existing southeasterly right of way of Ackley Road, North 44° 55' 23" East, 92.85 feet to the point of beginning.

Containing within said bounds 0.0207 acres (901 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in March, 2011.

Bearings are based on the Cleveland Regional Geodetic Survey.

PARCEL 4-T1

CUY-14-3.74

TEMPORARY EASEMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 293 in Hubbard Cook Trustee Allotment of part of Original One Hundred Acre Lot Nos. 317 and 321 as recorded in Volume 6, Page 21 of the Cuyahoga County Map Records, being also part of Parcel No. 1 in Lot Split and Consolidation Plat recorded in Volume 267, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to McDonald's Corporation as recorded in Instrument No. 200412140678 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin in a monument box found at the intersection of the centerline of right of way and construction of Broadway Avenue (66 feet wide) at centerline Station 80 + 35.50 and the centerline of Union Avenue (60 feet wide), being also the northerly line of Original One Hundred Acre Lot No. 317;

Thence, along the centerline of Broadway Avenue, South 45° 46' 28" East, 135.41 feet;

Thence, leaving said centerline, South 44° 13' 32" West, 33.00 feet to the existing southwesterly right of way of Broadway Avenue and the True Point of Beginning for the easement herein described, said point being at centerline Station 81 + 70.91, 33.00 feet right of the centerline of right of way and construction of Broadway Avenue;

Thence, along the existing southwesterly right of way of Broadway Avenue, South 45° 46' 28" East, 30.43 feet;

Thence, leaving said right of way, South 44° 36' 43" West, 3.70 feet;

Thence, North 45° 46' 28" West, 16.38 feet;

Thence, North 78° 18' 35" West, 10.29 feet;

Thence, North 45° 46' 28" West, 5.47 feet to the southeasterly line of land conveyed to City of Cleveland as recorded in Instrument No. 200502010335 of the Cuyahoga County Records;

Thence, along City of Cleveland's southeasterly line, North 44° 56' 37" East, 9.23 feet to the point of beginning.

Containing within said bounds 0.0038 acres (167 square feet) of land as surveyed by KS Associates, Inc.

under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in March, 2011.

Bearings are based on the Cleveland Regional Geodetic Survey.

Professional Surveyor, Ohio No. 7289

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the permanent and temporary easements described above.

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

Passed October 29, 2012.
Effective October 29, 2012.

Ord. No. 896-12.

By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to replace the Buckeye Road (State Route 87) Bridge over Greater Cleveland Regional Transit Authority railroad located at the intersection of Woodhill Road and Shaker Boulevard; and authorizing the Director of Capital Projects to enter into any relative agreements.

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 of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: the replacement of the Buckeye Road (State Route 87) Bridge over Greater Cleveland Regional Transit Authority railroad located at the intersection of Woodhill Road and Shaker Boulevard (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State. The entire cost and expense of the Improvement will be provided by the State and this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. The City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State and Federal Highway Administration not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State to be necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will maintain the rights-of-way and keep them free of obstructions in a manner satisfactory to the Director of Transportation and hold the rights-of-way inviolate for public highway purposes.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement, the State will arrange for its acquisition.

(c) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State.

(d) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

Passed October 29, 2012.
Effective October 29, 2012.

Ord. No. 904-12.

By Council Members Cleveland, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Hemingway at 6555, LLC, to provide for the redevelopment of 6555 Carnegie Avenue as part of the Midtown Tech Park campus; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 829-12, passed July 11, 2012, and prior to the adoption of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is

more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, the Real Property will be improved according to a Redevelopment Plan placed in File No. 904-12-A; and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; 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 improvements to be constructed by Hemingway at 6555, LLC ("Redeveloper"), as more fully described in the above mentioned file ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 30 years.

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment

Tax Increment Equivalent Fund which shall be used as a debt reserve for the loan authorized or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

Section 8. That a copy of the legislative summary and the Redevelopment Plan are placed in the file mentioned above.

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 1062-12.

By Council Member Kelley.

An emergency ordinance designating the Pearl Street Savings and Trust—Broadview Branch as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Pearl Street Savings and Trust—Broadview Branch as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on May 24, 2012 to discuss the proposed designation of the Pearl Street Savings and Trust—Broadview Branch as a landmark; and

Whereas, the Commission has recommended designation of the Pearl Street Savings and Trust—Broadview Branch as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Pearl Street Savings and Trust—Broadview Branch, whose street addresses in the City of Cleveland are 4169-75 Pearl Road, S. W., and 3340-52 Broadview Road, S. W., Cuyahoga County Auditor's Permanent Parcel Numbers are 009-10-001 and 009-10-047, and is also known as the following described property:

Permanent Parcel Number 009-10-001:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot Number 64 and is further bounded and described as follows:

Beginning at the intersection of the Southeasterly line of Pearl Road S. W. (100 feet wide) with the Northeasterly line of Broadview Road, S. W. (80 feet wide);

Course 1:

Thence North 26° 00' 00" East, along the Southeasterly line of said Pearl Road, S.W., 71.22 feet to the Southwesterly corner of a parcel of land conveyed to Gilbert W. and Dorothy Tutino by deed dated May 9, 1975 and recorded in Certificate of Title Number 117163;

Course 2:

Thence South 63° 56' 00" East, along the Southwesterly line of land so conveyed to Gilbert W. and Dorothy Tutino, 145.05 feet to the Southeasterly corner thereof and the Northwesterly line of a parcel of land conveyed to Stanley J. and Thomas M. Basista by deed dated June 30, 1989 and recorded in Volume 89-3222, Page 14 of Cuyahoga County Records;

Course 3:

Thence South 40° 08' 45" West, along the Northwesterly line of land so conveyed to Stanley J. and Thomas M. Basista, 5.75 feet to an angle point therein;

Course 4:

Thence North 63° 56' 00" West, along a Southwesterly line of a parcel of land conveyed to the Cleveland Trust Company by deed recorded in Certificate of Title Number 35161, 13.84 feet to an internal corner therein;

Course 5:

Thence South 39° 01' 29" West, along a Southeasterly line of a parcel of land conveyed to the Cleveland Trust Company by Certificate of Title Number 35161, 97.81 feet to the Northeasterly line of Broadview Road, S. W.;

Course 6:

Thence North 48° 32' 31" West, along the Northeastly line of said Broadview Road, S. W., 111.80 feet to the place of beginning and containing .2417 acres of land according to a survey made by Charles J. Neff, Registered Surveyor Number 4546-Ohio in August of 1989, be the same more or less but subject to all legal highways.

Permanent Parcel Number 009-10-047:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot Number 64 and is further bounded and described as follows:

Beginning at a point in the Northeasterly line of Broadview Road, S. W. (80 feet wide) distant South 48° 32' 31" East, 111.80 feet measured along said Northeastly line from the Southeasterly line of Pearl Road, S. W. (100 feet wide);

Course 1:

Thence North 39° 01' 29" East, along a Southeasterly line of a parcel of land conveyed to the Cleveland trust Company by deed recorded in Certificate of Title Number 35161, 97.81 feet to an internal corner therein;

Course 2:

Thence South 63° 56' 00" East, along a Southwesterly line of land

conveyed to the Cleveland Trust Company by Certificate of Title Number 35161, 13.84 feet to a point in the Northwesterly line of a parcel of land conveyed to Stanley J. and Thomas M. Basista by deed dated June 30, 1989 and recorded in Volume 89-3222, Page 14 of Cuyahoga County Deed Records;

Course 3:

Thence South 39° 01' 29" West, along the Northwesterly line of land so conveyed to Stanley J. and Thomas M. Basista, 101.49 feet to a point in the Northeasterly line of Broadview Road, N. W.;

Course 4:

Thence North 48° 32' 31" West, along the Northeasterly line of Broadview Road, S. W., 13.50 feet to the place of beginning and containing 0.0309 acres of land according to a survey made by Charles J. Neff, Registered Surveyor Number 4546-Ohio in August of 1989, be the same more or less but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1065-12.

By Council Members Kelley, K. Johnson, Cleveland and Sweeney (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 West 44th Place and Bader Avenue to Kristina and Nicholas Shirak, for purposes of expanding their side yard.

Whereas, the Director of Capital Projects has requested the sale of the City-owned property to Kristina and Nicholas Shirak (the "Redeveloper") no longer needed for public use by the City and located at the southeast corner of West 44th Place and Bader Avenue for purposes of expanding their side yard; 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, it is found and determined that the following described property is no longer needed for public use by the City:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 35 in the George W. Bader Allotment of part of Original Brooklyn Township Lot No. 60 as shown by the recorded plat in Volume 35 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the southerly line of Bader Avenue (50.00 feet wide) at the northeasterly corner of said Sublot No. 35; thence westerly along said southerly line of Bader Avenue 27.65 feet to a point;

Thence S07°15'00"E parallel with the westerly line of said subplot 35,

191.03 feet to a point on the southerly line of said subplot 35;

Thence N89°59'10"E along said southerly line 4.75 feet to the southeast corner of said subplot 35;

Thence N00°22'00"W along easterly line of said subplot 35, 189.68 feet to the southerly right of way of said Bader Avenue and the principal place of beginning and containing 0.0705 acres of land as surveyed and described by the City of Cleveland in July 2012 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 the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance 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 necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1084-12.

By Council Member Conwell.

An ordinance to change the Use, Area and Height Districts of land located on the east side of East 110th Street north of Saint Clair Avenue to General Retail Business District, a 'C' Area District and a '2' Height District (Map Change No. 2403; Sheet No. 1).

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

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

Beginning in the centerline of Saint Clair Avenue at its intersection with the southerly prolongation of the centerline of East 110th Street;

Thence northerly along said southerly prolongation of said centerline of East 110th Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 22 in the Keiper Realty Company Subdivision shown on the recorded plat in Volume 62, Page 22 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said northerly line and along its easterly prolongation to its intersection with the southerly prolongation of the centerline of Rumar Drive;

Thence northerly along said southerly prolongation and said centerline to its intersection with the easterly prolongation of the northerly line of Sublot 23 in the aforementioned Keiper Realty Company Subdivision;

Thence westerly along said easterly prolongation of said northerly line and along its westerly prolongation to its intersection with the centerline of East 110th Street;

Thence southerly along said centerline and along its southerly prolongation to its intersection with the centerline of Saint Clair Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a General Retail Business District, a 'C' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2403, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed October 29, 2012.
Effective November 28, 2012.

Ord. No. 1226-12.
By Council Members Cleveland, Miller and Sweeney (by departmental request).

An emergency ordinance to add the name of Preston H. Terry Jr. Way as a secondary name to East 34th Street from Central Avenue to Project 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 Codified Ordinances of Cleveland, Ohio, 1976, to add the name of Preston H. Terry Jr. Way as a secondary name to East 34th Street from Central Avenue to Project Avenue.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1227-12.
By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Ohio Technical College to encroach into the public right-of-way at and above 1448 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to Ohio Technical College, 1374 East 51st Street, Cleveland, Ohio 44103 ("Permittee"), to encroach into the public right-of-way at and above 1448 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts at the following location:

Canopy Encroachment

In front of the doorway located on the west right-of-way of East 51st Street approximately 215 feet north of the north right-of-way of Superior Avenue, the canopy's dimensions being approximately 10' 6" wide by 12' 10" deep and 7' 6" high from the sidewalk at its lowest point.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1228-12.
By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 879-12, passed July 11, 2012, relating to authorizing the Director of Capital Projects to issue a permit to LDC James LLC to encroach beneath the public right-of-way of Euclid Avenue by installing, using, and maintaining an 18" x 18" concrete square communication duct bank.

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

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

Section 1. That Section 1 of Ordinance No. 879-12, passed July 11, 2012, is amended to read as follows:

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to LDC James LLC, 28045 Ranney Parkway, Suite E, Westlake, Ohio 44145 ("Permittee"), to encroach beneath the public right-of-way of Euclid Avenue by installing, using, and maintaining four 5-inch diameter raceways that are encased within an 18" x 18" square concrete communication duct bank, at the following location:

10' Wide Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 10 Acre Lot No. 53 and part of the right of way of Euclid Avenue, and further bounded and described as follows:

Beginning at a 3/4" pin in a monument box, marking the intersection of the centerline of Euclid Avenue (99' wide) with the centerline of East 18th Street (66' wide);

Thence South 00°08' 45" West along the centerline of said East 18th Street, a distance of 49.50 feet to a point;

Thence South 89°47' 45" East, along the Southerly right of way line of Euclid Avenue, a distance of 165.43 feet to the Northwesterly corner of said Lot 53, said corner also being the Northwesterly corner of a parcel of land conveyed to 1836 Euclid Avenue

LLC by deed recorded in AFN 201103300301 of Cuyahoga County Recorders' Records;

Thence continuing South 89°47' 45" East, a distance of 20.00 feet to the principal place of beginning.

Thence North 00°12' 15" East, a distance of 99.00 feet to a point on the Northerly right of way line of Euclid Avenue;

Thence South 89°47' 45" East along the Northerly right of way line of Euclid Avenue, a distance of 10.00 feet to a point,

Thence South 00°12' 15" West, a distance of 99.00 feet to a point on the Southerly right of way line of Euclid Avenue;

Thence North 89°47' 45" West along said Southerly right of way line, a distance of 10.00 feet to the principal place of beginning and containing 990.00 Square Feet of land, according to a survey by George A. Hofmann, Registered Surveyor No. 6752.

The basis of bearings is the centerline of Euclid Avenue, bearing South 89°47' 45" East. The courses used in this description are used to indicate angles only. Distances are given in feet and decimal parts thereof.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That existing Section 1 of Ordinance No. 879-12, passed July 11, 2012, is repealed.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1229-12.
By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the Ludlow Community Association to encroach into the public right-of-way of Hampton Road by installing, using, and maintaining a 15 foot by 15 foot public art object consisting of twelve 6" by 96" triangular columns.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to the Ludlow Community Association, 13702 Corby Road, Cleveland, Ohio 44120 ("Permittee"), to encroach into the public right-of-way of Hampton Road S.E. by installing, using, and maintaining a 15 foot by 15 foot public art object consisting of twelve 6" by 96" triangular columns at the following location:

15 foot by 15 foot

Square Area Encroachment

7 foot off the west curb and 7 foot off the back of the north sidewalk of the median strip of Hampton Road S.E. just south of South Woodland Road.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 1230-12.
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to PSC Hanna Building LLC to encroach into the public rights-of-way beneath East 14th Street and Prospect Avenue by using and maintaining existing basement walls and utility vault area.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to PSC Hanna Building LLC, 1501 Euclid Avenue, Suite 200, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public rights-of-way beneath East 14th Street and Prospect Avenue by using and maintaining existing basement walls and utility vault area at the following location:

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of East 14th Street (86 feet wide), and Prospect Avenue (82.5 feet wide), and bounded and describes as follows:

Beginning at a point in the centerline of East 14th Street at its intersection with the centerline of Prospect Avenue;

Thence North 81° 31' 36" East along the centerline of Prospect Avenue, 143.11 feet to a point;

Thence North 8° 23' 01" West, 41.25 feet to a point in the northerly line of Prospect Avenue at its intersection with the easterly line of a parcel of land conveyed to PSC Hanna Building LLC by deed recorded as AFN 199908241362 of Cuyahoga County Records, and the principal place of beginning of the easement herein described;

Thence South 8° 23' 01" East, 10.00 feet to a point;

Thence South 81° 31' 36" West, 114.00 feet to a point;

Thence North 66° 25' 41" West, 31.60 feet to a point;

Thence North 34° 13' 49" West, 191.66 feet to a point;

Thence North 55° 46' 11" East, 10.00 feet to a point in the northeasterly line of East 14th Street;

Thence South 34° 13' 49" East along the northeasterly line of East 14th Street, 204.00 feet to its intersection with the northerly line of Prospect Avenue;

Thence North 81° 31' 36" East along the northerly line of Prospect Avenue, 126.43 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in July, 2012.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, if applicable, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 1231-12.
By Council Members Conwell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to AJAPPJR Uptown LLC to encroach into the public right-of-way of, beneath, and above Euclid Avenue by installing, using, and maintaining building foundations and upper floor building faces.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to AJAPPJR Uptown LLC, 629 Euclid Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of, beneath and above Euclid Avenue by installing, using, and maintaining building foundations and upper floor building faces at the following locations:

FOUNDATIONS ENCROACHMENT FOR 11451 EUCLID AVENUE CLEVELAND, OHIO (BEACH SITE)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part Parcel 286 SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200701190494 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 31° 07' 22" West along the centerline of East 115th Street, 52.00 feet to a point;

Thence South 42° 54' 48" West, 26.00 feet to the westerly line of East 115th Street and the northeasterly corner of Parcel 286 SH;

Thence South 42° 54' 48" West continuing along the northerly line of Parcel 286 SH, 57.77 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 05' 12" East, 3.00 feet to a point;

Thence South 42° 54' 48" West, 275.00 feet to a point;

Thence North 42° 05' 12" West, 3.00 feet to the northerly line of Parcel 286 SH;

Thence North 42° 54' 48" East along the northerly line of Parcel 286 SH, 275.00 feet to the Principal Place of Beginning and containing 0.0189 acres of land as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

FOUNDATIONS ENCROACHMENT FOR 11452 EUCLID AVENUE CLEVELAND, OHIO (TRIANGLE SITE)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part Parcel 288A SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200610180556 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 42° 52' 53" East along the centerline of Euclid Avenue, 69.08

feet to the vacated centerline of East 116th Street (23 feet wide) (Ordinance No. 28-26-77) as recorded in the Vacation Plat of East 116th Street and recorded in Volume 221, Page 65 of Cuyahoga County Map Records;

Thence South 47° 13' 07" East along the centerline of the vacated centerline of East 116th Street and passing through the southerly line of Euclid Avenue at 40.00 feet and being the westerly line of land conveyed to University Circle Development Foundation nka University Circle Incorporated (P.P.N. 120-29-018) and recorded in Volume 12337, Page 263 of Cuyahoga County Deed Records, a distance of 50.00 feet to the southerly line of Parcel 288A SH;

Thence South 42° 52' 53" West along the southerly line of Parcel 288A SH, 103.36 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 52' 53" West continuing along the southerly line of Parcel 288A SH, 105.00 feet to a point;

Thence North 47° 07' 07" West, 5.00 feet to a point;

Thence North 42° 52' 53" East, 105.00 feet to a point;

Thence South 47° 07' 07" East, 5.00 feet to the Principal Place of Beginning and containing 0.0121 acres of land as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

**UPPER FLOOR ENCROACHMENT
FOR 11452 EUCLID AVENUE
CLEVELAND, OHIO
(TRIANGLE SITE)**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part Parcel 288A SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200610180556 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 42° 52' 53" East along the centerline of Euclid Avenue, 69.08 feet to the vacated centerline of East 116th Street (23 feet wide) (Ordinance No. 28-26-77) as recorded in the Vacation Plat of East 116th Street and recorded in Volume 221, Page 65 of Cuyahoga County Map Records;

Thence South 47° 13' 07" East along the centerline of the vacated centerline of East 116th Street and passing through the southerly line of Euclid Avenue at 40.00 feet and being the westerly line of land conveyed to University Circle Development Foundation nka University Circle Incorporated (P.P.N. 120-29-018) and recorded in Volume 12337, Page 263 of Cuyahoga County Deed Records, a distance of 50.00 feet to the southerly line of Parcel 288A SH;

Thence South 42° 52' 53" West along the southerly line of Parcel 288A SH, 103.36 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 52' 53" West continuing along the southerly line of Parcel 288A SH, 300.00 feet to a point;

Thence North 47° 07' 07" West, 1.00 foot to a point;

Thence North 42° 52' 53" East, 300.00 feet to a point;

Thence South 47° 07' 07" East, 1.00 foot to the Principal Place of Beginning and containing 0.0069 acres, having a lower elevation of 701.88, as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing:

The centerline of Euclid Avenue as North 42° 52' 53" East as shown on the Euclid Corridor Survey Monuments and Centerline Plat prepared by the City of Cleveland, Dated October 25, 2010.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1261-12.

By Council Member J. Johnson.

An emergency ordinance designating the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 28, 2012 to discuss the proposed designation of the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark; and

Whereas, the Commission has recommended designation of the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building), whose street addresses in the City of Cleveland are 4812-5024 Euclid Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 103-10-017, 103-10-018, 103-10-019, 103-10-020, 103-10-021, 103-10-022, 103-10-023, 103-10-024, and part of 103-10-025 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot Number 1 in the M. Schiely's Subdivision as shown by the plat recorded in Volume 3, Page 19 of Cuyahoga County Map Records and part of Parcel "A" in the Plat of Consolidation and Lot Split as shown by the plat recorded in Volume 285, Page 92 of Cuyahoga County Map Records and being part of the Original Ten Acres Lot Number 72 and 73, and bounded and described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (99 feet wide) and the westerly line of East 55th Street (formerly Willson Avenue) (100 feet wide); thence South 80° 59' 40" West along the southerly line of Euclid Avenue, 360.15 feet to a 5/8" X 30" iron pin set at the principal place of beginning of the premises described herein; thence South 09° 11' 38" East, 399.06 feet to 5/8" X 30" iron pin set on the northerly line of Prospect Avenue (formerly Prospect Street) (82.5 feet wide); thence South 80° 58' 57" West along the northerly line of Prospect Avenue, 290.00 feet to a 5/8" X 30" iron pin set at the southeasterly corner of land conveyed to Prospect Park LLC (P. P. N. 103-09-021) by deed dated August 8, 2000 and recorded in Auditor's File Number 200008080876 of Cuyahoga County Deed Records; thence North 09° 11' 38" West along the easterly line of land so conveyed and the easterly line of land conveyed to the Esmond Group, Inc. (P. P. N. 103-09-019) by deed dated June 6, 1987 and recorded in Volume 87-04322, Page 35 of Cuyahoga County Deed Records, 391.12 feet to a 5/8" iron pin set on the southerly line of said Euclid Avenue; thence North 80° 59' 40" East along the southerly line of Euclid Avenue, 290.00 feet to the principal place of beginning and containing 2.6569 acres of land as surveyed and described by Edward B. Dudley, P. S. Number 6747 of the Riverstone Company in November of 2010, subject to all legal highways, restrictions, reservations, and easements of record;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division

of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1262-12.

By Council Member J. Johnson.
An emergency ordinance designating Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark; and

Whereas, the owner of Cory United Methodist Church (formerly Anshe Emeth Synagogue) has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Cory United Methodist Church (formerly Anshe Emeth Synagogue), whose street address in the City of Cleveland is 1105-17 East 105th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 109-16-001, 109-16-002, 109-16-003, 109-16-035, and 109-16-036, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Numbers 82, 83, and 88 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and all of Sublot Numbers 87, 153, and 154, and a part of a private alley, 15 feet wide, now vacated, in the Deming Realty Company's Grantwood Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 37 of Maps, Page 12 of Cuyahoga County Records,

and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Grantwood Avenue, N. E., at the Southeasterly corner of Sublot Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Westerly along the Northerly line of said Grantwood Avenue, N. E., 140.08 feet to the Easterly end of the curved turnout between the Northerly line of said Grantwood Avenue, N. E., and the Easterly line of East 105th Street; thence Northwesterly along said curved turnout, 47.04 feet; thence Northerly along the Easterly line of said East 105th Street, 230.15 feet to the Southerly end of the curved turnout between the Easterly line of said East 105th Street and the Southerly line of Drexel Avenue, N. E.; thence Northeasterly along said curved turnout, 47.20 feet; thence Easterly along the Southerly line of said Drexel Avenue, N. E., 179.92 feet to the Northwesterly corner of Sublot Number 152 in the Grantwood Allotment; thence Southerly along the Westerly line of said Sublot Number 152 and the Southerly extension thereof, 168.55 feet to the centerline of said vacated private alley; thence Westerly along said centerline of said vacated private alley 40 feet to its point of intersection with the Northerly extension of the Easterly line of Sublot Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Southerly along said Northerly extension and along the Easterly line of said Sublot Number 88, 121.60 feet to the place of beginning, as appears by said plats, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.

Awaiting approval or disapproval of the Mayor.

Ord. No. 1263-12.

By Council Member J. Johnson.
An emergency ordinance designating the Switzer Apartment Building as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Switzer Apartment Building as a landmark; and

Whereas, the owner of the Switzer Apartment Building has been proper-

ly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Switzer Apartment Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Switzer Apartment Building, whose street address in the City of Cleveland is 1285-89 East 101st Street, Cuyahoga County Auditor's Permanent Parcel Number is 109-10-126, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being Sublot Numbers 24 and 25 in C. C. Baldwin's Allotment of part of original One Hundred Acre Lots Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and together forming a parcel of land having a frontage of 80 feet on the Westerly side of East 101st Street (formerly Eaton Street) and extending back of equal width 112 feet along the Northerly line of land conveyed to the City of Cleveland by deed dated April 5, 1897 and recorded in Volume 660, Page 288 of Cuyahoga County Records, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.

Effective November 6, 2012.

Ord. No. 1266-12.

By Council Member Polensek.
An emergency ordinance designating Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark; and

Whereas, the owner of Freedom Christian Assembly Church, also known as Collinwood Christian Church, has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Freedom Christian Assembly Church, also known as Collinwood Christian Church, whose street address in the City of Cleveland is 765 East 154th Street, Cuyahoga County Auditor's Permanent Parcel Number is 115-21-066, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Numbers 58, 59, and 60 in W. F. Walworth's Subdivision of part of Original Euclid Township Lot Number 42 recorded in Volume 8, Page 7 of Cuyahoga County Map Records, said sublots having a total frontage of 150 feet on the easterly side of East 154th Street and being 160 feet deep according to said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.

Awaiting approval or disapproval of the Mayor.

Ord. No. 1326-12.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1094-11, passed September 12, 2011, relating to an encroachment permit for foundations, street shoring, overhangs, canopy, lights, and an overhead bridge on Prospect Avenue S.E., East 1st Street, East 2nd Street, and

Ontario Street to change the name of the permittee from USA Parking Systems Prospect LLC to Rock Ohio Caesars Cleveland LLC.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1094-11, passed September 12, 2011, are amended to read as follows:

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Rock Ohio Caesars Cleveland LLC to encroach into the public right-of-way of Prospect Avenue S.E., East 1st Street, East 2nd Street, and Ontario Street by installing, using, and maintaining foundations, street shoring, building and building overhang, curved canopy, canopy and light, and overhead bridge; and authorizing the director to apply for permits from the State of Ohio to construct the overhead bridge.

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Rock Ohio Caesars Cleveland LLC, 112 Prospect Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Prospect Avenue S.E., East 1st Street, East 2nd Street, and Ontario Street by installing, using, and maintaining foundations, street shoring, building and building overhang, curved canopy, canopy and light, and overhead bridge, at the following locations:

**FOUNDATION/STREET SHORING
ENCROACHMENT INTO
RIGHT-OF-WAY
OF ONTARIO STREET AND
PROSPECT AVENUE S.E.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and Original Two Acre Lot Nos. 97 and 98 and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the westerly line of East 2nd Street (50 feet wide), said intersection being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence S 78° 23' 04" W, along said southerly line of Prospect Avenue S.E., a distance of 255.57 feet to its intersection with the easterly line of Ontario Street (99 feet wide);

Course No. 2:

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 78.08 feet to the northwesterly corner of land conveyed to Macron Investment Co. (PPN 101-28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records;

Course No. 3:

Thence S 56° 41' 33" W, a distance of 6.00 feet to a point;

Course No. 4:

Thence N 33° 18' 27" W, parallel to and 6.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 86.92 feet to a point;

Course No. 5:

Thence N 78° 23' 04" E, parallel to and 6.00 feet by rectangular measurement from said southerly line of Prospect Avenue S.E., a distance of 272.44 feet to a point;

Course No. 6:

Thence S 11° 22' 24" E, parallel to and 8.00 feet by rectangular measurement from said westerly line of East 2nd Street, a distance of 180.00 feet to a point;

Course No. 7:

Thence N 78° 37' 36" E, a distance of 5.00 feet to a point;

Course No. 8:

Thence S 11° 22' 24" E, parallel to and 13.00 feet by rectangular measurement from said westerly line of East 2nd Street, a distance of 47.41 feet to a point on the southerly line of High Avenue S.E. (46.36 feet wide);

Course No. 9:

Thence S 78° 25' 48" W, along said southerly line of High Avenue S.E., a distance of 12.84 feet to the southeasterly corner of vacated High Avenue S.E. as shown by the Vacation Plat of Part of High Avenue S.E. and East 1st Street recorded in Volume _____, Page _____ of Cuyahoga County Map records;

Course No. 10:

Thence N 11° 34' 12" W, along the easterly line of said vacated High Avenue S.E., a distance of 46.36 feet to its intersection with said westerly line of East 2nd Street;

Course No. 11:

Thence N 11° 22' 24" W, along said westerly line of said East 2nd Street, a distance of 175.06 feet to the principal point of beginning and containing 0.0943 acres (4,108 sq. ft.) of land as calculated and described by Garrett and Associates in August, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 31.00 feet and an Upper Limit Elevation at 98.00 feet per City of Cleveland Datum.

**FOUNDATION/STREET SHORING
ENCROACHMENT INTO
RIGHT-OF-WAY
OF ONTARIO STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the easterly line of Ontario Street (99 feet wide);

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 138.08 feet to the southwest corner of land conveyed to Macron Investment Co. (PPN 101-28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records and the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence continuing S 33° 18' 27" E, along said easterly line of Ontario

Street, a distance of 50.16 feet to the northerly line of Vacated High Ave. S.E. as shown by the Vacation Plat of part of High Avenue S.E. and East 1st Street recorded in Volume _____, Page _____ of Cuyahoga County Map Records;

Course No. 2:

Thence S 78° 25' 48" W, a distance of 6.46 feet to a point;

Course No. 3:

Thence N 33° 18' 27" W, parallel to and 6.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 47.77 feet to a point;

Course No. 4:

Thence N 56° 41' 33" E, a distance of 6.00 feet to the principal point of beginning and containing 0.0067 acres (294 sq. ft.) of land as calculated and described by Garrett and Associates in June, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 31.00 feet and an Upper Limit Elevation at 98.00 feet per City of Cleveland Datum.

**BUILDING OVERHANG
ENCROACHMENT INTO
RIGHT-OF-WAY ABOVE
EAST 2nd STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot No. 98 and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the westerly line of East 2nd Street (50 feet wide) said intersection being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence N 78° 23' 04" E, along said southerly line of Prospect Avenue S.E., a distance of 6.50 feet to a point;

Course No. 2:

Thence S 11° 22' 24" E, parallel to and 6.50 feet by rectangular measurement from said westerly line of East 2nd Street, a distance of 221.43 feet to a point on the southerly line of High Avenue S.E. (46.36 feet wide);

Course No. 3:

Thence S 78° 25' 48" W, along said southerly line of High Avenue S.E., a distance of 6.34 feet to its intersection with the easterly line of Vacated High Avenue S.E. as shown by the Vacation Plat recorded in Volume _____, Page _____ of Cuyahoga County Map Records;

Course No. 4:

Thence N 11° 34' 12" W, along said easterly line of Vacated High Avenue S.E., a distance of 46.36 feet to the intersection of the northerly line of said High Avenue S.E. with the westerly line of said 2nd Street;

Course No. 5:

Thence N 11° 22' 24" W, along said westerly line of East 2nd Street, a distance of 175.06 feet to the principal point of beginning and containing

0.0330 acres (1,435 sq. ft.) of land as calculated and described by Garrett and Associates in May, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 103.00 feet and an Upper Limit Elevation at 165.00 feet per City of Cleveland Datum.

**CURVED CANOPY
ENCROACHMENT INTO
RIGHT-OF-WAY
ABOVE ONTARIO STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the easterly line of Ontario Street (99 feet wide);

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 138.08 feet to the southwesterly corner of land conveyed to Macron Investment Co. (PPN 101 28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records and the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence continuing S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 50.16 feet to the northerly line of Vacated High Ave. S.E. as shown by the Vacation Plat of Part of High Avenue S.E. and East 1st Street recorded in Volume _____, Page _____ of Cuyahoga County Map Records;

Course No. 2:

Thence S 78° 25' 48" W, a distance of 10.77 feet to a point;

Course No. 3:

Thence N 33° 18' 27" W, parallel to and 10.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 46.18 feet to a point;

Course No. 4:

Thence N 56° 41' 33" E, a distance of 10.00 feet to the principal point of beginning and containing 0.0111 acres (482 sq. ft.) of land as calculated and described by Garrett and Associates in June, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 117.50 feet and an Upper Limit Elevation at 126.00 feet per City of Cleveland Datum.

**CANOPY & LIGHT
ENCROACHMENT INTO
RIGHT-OF-WAY
ABOVE ONTARIO STREET AND
PROSPECT AVENUE S.E.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and Original Two Acre Lot Nos. 97 and 98 and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the westerly line of East 2nd Street (50 feet wide), said intersection being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence S 78° 23' 04" W, along said southerly line of Prospect Avenue S.E., a distance of 255.57 feet to its intersection with the easterly line of Ontario Street (99 feet wide);

Course No. 2:

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 78.08 feet to the northwesterly corner of land conveyed to Macron Investment Co. (PPN 101-28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records;

Course No. 3:

Thence S 56° 41' 33" W, a distance of 6.00 feet to a point;

Course No. 4:

Thence N 33° 18' 27" W, parallel to and 6.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 86.92 feet to a point;

Course No. 5:

Thence N 78° 23' 04" E, parallel to and 6.00 feet by rectangular measurement from said southerly line of Prospect Avenue S.E., a distance of 264.44 feet to a point;

Course No. 6:

Thence S 11° 22' 24" E, a distance of 6.00 feet to the principal point of beginning and containing 0.0472 acres (2054 sq. ft.) of land as calculated and described by Garrett and Associates in June, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 94.00 feet and an Upper Limit Elevation at 165.00 feet per City of Cleveland Datum.

**OVERHEAD BRIDGE
ENCROACHMENT
INTO RIGHT-OF-WAY ABOVE
ONTARIO STREET &
PROSPECT AVENUE S.E.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and Original Two Acre Lot Nos. 97 and 84 and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the easterly line of Ontario Street (99 feet wide) said intersection being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 29.35 feet to a point;

Course No. 2:

Thence N 76° 06' 56" W, a distance of 169.39 feet to a point on the northerly line of Prospect Avenue N.W. (100 feet wide);

Course No. 3:

Thence N 56° 41' 33" E, along said northerly line of Prospect Avenue N.W., a distance of 16.11 feet to its intersection with the westerly line of said Ontario Street;

Course No. 4:

Thence N 33° 18' 27" W, along said westerly line of Ontario Street, a distance of 22.34 feet to a point;

Course No. 5:

Thence S 76° 06' 56" E, a distance of 168.09 feet to a point on said southerly line of Prospect Avenue S.E.;

Course No. 6:

Thence S 78° 23' 04" W, along said southerly line of Prospect Avenue S.E., a distance of 16.38 feet to the principal point of beginning and containing 0.0953 acres (4,152 sq. ft.) of land as calculated and described by Garrett and Associates in June, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 108.50 feet and an Upper Limit Elevation at 129.50 feet per City of Cleveland Datum.

**FOUNDATION & BUILDING
ENCROACHMENT
INTO RIGHT-OF-WAY OF
EAST 1st STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot No. 97 further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E., (82.5 feet wide), with the westerly line of East 1st Street (10 feet wide) said intersection being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence N 78° 23' 04" E, along said southerly line of Prospect Avenue, a distance of 10.00 feet to a point on the easterly line of said East 1st Street;

Course No. 2:

Thence S 11° 27' 00" E, along said easterly line of East 1st Street, a distance of 97.49 feet to northerly line of Vacated East 1st Street as shown by the Vacation Plat of Part of East 1st Street recorded in Volume _____, Page _____ of Cuyahoga county Map Records;

Course No. 3:

Thence S 78° 33' 00" W, along said northerly line of Vacated East 1st Street, a distance of 10.00 feet to its intersection with said westerly line of East 1st Street;

Course No. 4:

Thence N 11° 27' 00" W, along said westerly line of East 1st Street, a distance of 97.46 feet the principal point of beginning and containing 0.0224 acres (975 sq. ft.) of land according to a survey by Garrett and Associates in May, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 7.50 feet and an Upper Limit Elevation at 165.00 feet per City of Cleveland Datum.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That the existing title and Section 1 of Ordinance No. 1094-11, passed September 12, 2011, are repealed.

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 1332-12.

By Council Member J. Johnson.

An emergency ordinance designating the Film Exchange Building as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Film Exchange Building as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 28, 2012 to discuss the proposed designation of the Film Exchange Building as a landmark; and

Whereas, the Commission has recommended designation of the Film Exchange Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Film Exchange Building, whose street addresses in the City of Cleveland are 2100-2112 Payne Avenue, N. E., and 1701-1717 East 21st Street, Cuyahoga County Auditor's Permanent Parcel Number is 102-32-010 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Numbers 84, 85, and 86 in the Perry Payne Subdivision of part of Original Ten Acre Lots Numbers 79, 80, 81, and 82, as shown by the recorded plat of said Subdivision in Volume 26 of Maps, Page 14 of Cuyahoga County Records; said Sublots Number 84, 85, and 86, together form a parcel of land having a frontage of 136.64 feet on the Southerly side of Payne Avenue, N. E.,

and extending back 141 feet on the Easterly line, 142.92 feet on the West-erly line, said West-erly line being the Easterly line of East 21st Street (formerly Perry Street) and having a rear line of 113.34 feet, said rear line being the Northerly line of Payne Court, N. E., as appears by said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 29, 2012.
Effective November 6, 2012.

Ord. No. 1398-12.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$968,100.00 and shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2012-142.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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

Passed October 29, 2012.
Effective November 6, 2012.

**Ord. No. 1454-12.
By Council Members Pruitt and
Kelley (by departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 143-11, passed April 25, 2011, relating to the Demand Response Program for the Division of Water.

Whereas, on April 25, 2011 City Council passed ordinance number 143-11, which authorized the Director of Public Utilities to enter into a contract with EnerNOC Inc., for the Division of Water to participate in PJM Interconnection's (PJM) Emergency Load Response Program (ELRP), an emergency demand response program that enables participants to receive revenue for being available to reduce electricity consumption when the reliability of the electric grid is in jeopardy;

Whereas, the authorization was for a contract for a period of two years with one two-year option to renew, exercisable through additional legislative authority;

Whereas, that contract is set to expire on May 31, 2013;

Whereas, to fully leverage the value of the program, the Department of Public Utilities needs to amend the contract to extend it for three more years so that it will extend up to May 31, 2016;

Whereas, the Department of Public Utilities also wishes to amend the contract to include economic demand curtailment as part of the program;

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

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

Section 1. That the title and Section 1 of Ordinance No. 143-11, passed April 25, 2011, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Public Utilities to enter into a contract with EnerNOC Inc. for participation in EnerNOC's demand response program to include economic demand curtailment by the Division of Water and include a term that will expire on May 31, 2016.

Section 1. That the Director of Public Utilities is authorized to enter into contract with EnerNOC Inc., to serve as the Curtailment Service Provider for the Division of Water based on its proposal dated December 10, 2010, and to include economic demand curtailment for a term that will expire on May 31, 2016.

Section 2. That the existing title and Section 1 of Ordinance No. 143-11, passed April 25, 2011, are repealed.

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

Passed October 29, 2012.
Effective November 6, 2012.

**Ord. No. 1528-12.
By Council Members Zone, Miller,
Cleveland and Kelley (by departmental request).**

An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the removal and replacement of the West 74th

Street bridge and the removal and replacement of the Madison Avenue bridge, and the rehabilitation of the West 61st Street bridge; authorizing the Director of Capital Projects to enter into contracts with the State of Ohio; and causing payment to the State of Ohio for the City's share of the improvement.

Whereas, under Ordinance No. 303-10, passed June 7, 2010, this Council authorized the City of Cleveland to cooperate with the Director of Transportation for the removal and replacement of the West 74th Street bridge and the removal and replacement of the Madison Avenue bridge, and the rehabilitation of the West 61st Street bridge (the "Improvement"); and

Whereas, the City shall cooperate with the Ohio Director of Transportation in the above described project by assuming and bearing one hundred percent (100%) of the entire cost of the Improvement, less the amount of Federal-aid NOACA funds set aside by the Director of Transportation for the financing of this Improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State, and

Whereas, the share of the City's cost of the Improvement is now estimated to be \$1,328,285.00 but may be adjusted when the percentages of actual costs are determined; and

Whereas, the Ohio Director of Transportation has approved the legislation proposing cooperating and has caused to be made plans and specifications and an estimate of costs and expense for the Improvement and has transmitted copies of the same to this legislative authority; and

Whereas, the City desires the Ohio Director of Transportation to proceed with the Improvement; 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 requests the Ohio Director of Transportation to proceed with the Improvement.

Section 2. That the Director of Capital Projects is authorized to enter into contracts with the State and/or their pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Improvement. Upon the request of ODOT, the Director of Capital Projects is also empowered to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 3. (a) That the City shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(b) The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the Improvement and that the utility removals and/or relocations shall be approved by the State and performed in accordance with the provisions of the ODOT Construction and materials Specifications.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance; and

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way.

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Regulate parking in accordance with Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 6. That this Council is authorized to cause payment to the State of the City's share of the Improvement, payable from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20-520, 20-528, 20-534, 20-540, 10 SF 546, 52 SF 001, and 54 SF 001, Request No. RQS 0103, RL 2012-154.

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

Passed October 29, 2012.
Effective October 29, 2012.

**Ord. No. 1562-12.
By Council Member Sweeney.
An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Vincent P. Vasko, Jr. d.b.a. Vinny's Beverage for construction/renovation improvements at the Vinny's Beverage site through the use of Ward 18 Neighborhood Capital Funds.**

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

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

Section 1. That the Director of the Department of Economic Development is authorized to enter into an agreement with Vincent P. Vasko, Jr. d.b.a. Vinny's Beverage for the

construction/renovation improvements at the Vinny's Beverage site located at 13531 Lorain Avenue, Cleveland, Ohio 44111 for the public purpose of job retention and new job creation through the use of Ward 18 Neighborhood Capital Fund.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 177.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the

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

Passed October 29, 2012.
Effective November 6, 2012.

COUNCIL COMMITTEE MEETINGS

**Wednesday, November 7, 2012
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair;

Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

12:00 p.m.

Employment, Affirmative Action and Training Committee:

Present: Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell. *Authorized Absence:* Westbrook.

1:00 p.m.

Public Utilities Committee: Present: Pruitt, Chair; Brady, Vice Chair; Cummins, Dow, Kelley, Polensek, Westbrook.

Unauthorized Absence: Conwell, Miller.

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O—Ordinance; R—Resolution; F—File
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Zoning

East 110th St. (North of Saint Clair Ave.) — Change Use, Area and Height District — City
Planning Commission (Ward 09) (O 1084-12) **1759**