

The City Record

Official Publication of the Council of the City of Cleveland



February the Twenty-Fifth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840		
	First Assistant Clerk – Sandra Franklin		
MAYOR – Jane L. Campbell			
	Debra M. Janik, Chief of Staff		
	Darnell Brown, Executive Assistant		
	Timothy Mueller, Executive Assistant		
	Craig Tame, Executive Assistant		
	Galen L. Schuerlein, Executive Assistant		
	_____, Director, Office of Equal Opportunity		
	Margreat A. Jackson, Legislative Affairs Liaison		
	Erik Janas, Inter-Governmental Affairs Officer		
	Lorna Wisham, Chief Public Affairs Officer		
DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106			
	Karen E. Martines, Law Librarian, Room 100		
DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;			
	Frank Badalamenti, Manager, Internal Audit		
	DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19		
	Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122		
	City Treasury – Algeron Walker, Treasurer, Room 115		
	Financial Reporting and Control – James Gentile, Controller, Room 18		
	Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street		
	Purchases and Supplies – Myrna Branche, Commissioner, Room 128		
	Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue		
	Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue		
DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue			
	DIVISIONS – 1201 Lakeside Avenue		
	Cleveland Public Power – James F. Majer, Commissioner		
	Street Lighting Bureau – _____, Acting Chief		
	Utilities Fiscal Control – Dennis Nichols, Commissioner		
	Water – Julius Ciaccia, Jr., Commissioner		
	Water Pollution Control – Darnell Brown, Commissioner		
DEPT. OF PORT CONTROL – John C. Mok, Director			
	Cleveland Hopkins International Airport, 5300 Riverside Drive		
	Burke Lakefront Airport – Khalid Bahhur, Commissioner		
	Cleveland Hopkins International Airport – Fred Szabo, Commissioner		
DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113			
	DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517		
	Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518		
	Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards		
	Streets – Randell T. Scott, Commissioner, Room 25		
	Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1		
	Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue		
DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.			
	DIVISIONS: Air Quality – Commissioner		
	Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.		
	Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.		
	Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.		
DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230			
	DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street		
	Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive		
	Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue		
	Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street		
DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director			
	Cleveland Convention Center, Clubroom A, 1220 East 6th Street		
	DIVISIONS: Convention Center & Stadium – James Glending, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Parking Facilities – Dennis Donahue, Commissioner		
	Public Auditorium, East 6th Street and Lakeside Avenue		
	Park Maintenance and Properties – Richard L. Silva, Commissioner		
	Public Auditorium – East 6th Street and Lakeside Avenue		
	Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard		
	Recreation – Michael Cox, Commissioner, Room 8		
	Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road		
	Burke Lakefront Airport		

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT – Steven Sims, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

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

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

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

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

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No. 4707

CITY COUNCIL

MONDAY, FEBRUARY 23, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Cimperman, Johnson, O'Malley, Polensek, White, Zone.

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

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Coats, Gordon, O'Malley, Reed, Scott, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

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

1:30 P.M. — **Legislation Committee:** White, Chairman; Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; O'Malley, Vice Chairman; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman, Rybka, Vice Chairman, Conwell, Lewis, O'Malley, Scott, Westbrook.

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, February 23, 2004

The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Britt, Cimperman, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Mayor Campbell, Chief of Staff Janik and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Watson, N. Ronayne, Hudecek, Williams, Routen, Fumich, Taylor, Johnson, and C. Ronayne, and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Overseer Ollie Thomas of Pentecostal Church of Christ, located at 7830 Skyline View Drive, Concord Township, Ohio. Pledge of Allegiance.

MOTION

On the motion of Council Member Coats, the reading of the minutes of the last meeting was dispensed with

and the journal approved. Seconded by Council Member O'Malley.

COMMUNICATIONS

File No. 2186-03-A.

Copies of Public Notice publications re: Ordinance No. 2186-03. Received.

File No. 287-04.

From the Living Wage Coordinator: Written Notification Requirements — Minolta, Northeast Ohio Health Services. Received.

File No. 288-04.

From Living Wage Coordinator — Written Notification Requirements — Wackenhut Corporation. Received.

File No. 289-04.

From Living Wage Coordinator — Written Notification Requirements — KONE. Received.

File No. 290-04.

From the Living Wage Coordinator: Written Notification Requirements — SimplexGrinnell. Received.

File No. 291-04.

From Living Wage Coordinator — Written Notification Requirements — General Tree Service. Received.

File No. 292-04.

From the Living Wage Coordinator — Written Notification Requirements — York Building Maintenance. Received.

File No. 293-04.

From the Cleveland Public Library — Director's Report, February 19, 2004. Received.

File No. 294-04.

From The Finch Group re: Arbor Park Village Phase III Development (formerly Longwood Apartments); application to the Ohio Housing Finance Agency under its Multifamily Bond Program. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 295-04.

Re: Transfer of Ownership Application — 1173931 — Cysy, Inc., d.b.a. Bus Stop Inn, 4301 State Road. (Ward 15). Received.

File No. 296-04.

Re: Transfer of Ownership Application — 0668900 — Best Nat Corp., d.b.a. Bosworth Food Mart, 3590 Bosworth Road, first floor and basement. (Ward 19). Received.

File No. 297-04.

Re: Stock Transfer Application — 9269604 — Victory Lap Ltd., d.b.a.

Victory Lap Cafe, 6422 Storer Avenue, first floor and basement. (Ward 17). Received.

File No. 298-04.

Re: Stock Transfer Application — 2434505 — Eden Oil, Inc., d.b.a. Harvard Gas USA, 7020 Harvard Avenue. (Ward 12). Received.

OATH OF OFFICE

File No. 299-04.

Donna M. Felder — Executive Assistant to the Mayor. Received.

PLATS

File No. 300-04.

Subdivision Plat of Courtyards at Puritas Park. (Ward 21). Received. Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 268-04—Cleo Holmes.

Res. No. 302-04—Timothy A. Evans.

Res. No. 303-04—Lucy Mae Long.

Res. No. 304-04—Pastor L.T. Randle, Sr.

Res. No. 305-04—Mamie Taylor.

CONGRATULATION RESOLUTIONS

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

Res. No. 306-04 — The Rapport Family — Ohio Freight Sales.

Res. No. 307-04—Joseph Fornal.

Res. No. 308-04 — Joseph P. Cannon.

Res. No. 309-04—Robert and Harriet Banks.

Res. No. 310-04—86th Anniversary of Lithuania's Independence.

Res. No. 311-04 — Beachland Ballroom 4th Anniversary.

RECOGNITION RESOLUTIONS

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

Res. No. 312-04 — Buffalo Soldiers Honor & Color Guards of American Legion Post #315.

Res. No. 313-04—John Stanforth.

Res. No. 314-04—Thomas W. Morris.

Res. No. 315-04—Dwayne Browder.

Res. No. 316-04—Robert C. Townsend II.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 239-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to update the indirect cost allocation plan.

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 Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to update the indirect cost allocation plan.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 01-011701-632000, 01-151001-632000, 01-150601-632000, 01-150101-632000, and 01-150501-632000, Request No. 100953.

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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 240-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide travel booking services, which may include payment for airline tickets, for the various divisions of City government, for a term not to exceed three years on an as-needed basis, with two one-year options to renew.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide travel booking services, which may include payment for airline tickets, for various divisions of City government, for a term not to exceed three years on an as-needed basis, with two options to renew for an additional one-year consecutive term, and cancelable on thirty days written notice by the Director of Finance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance

from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from the fund or funds appropriated for this purpose, Request No. 146204.

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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 241-04.

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

An emergency ordinance to amend Section 11 of Ordinance No. 1162-94, passed July 20, 1994, relating to giving consent to the Director of Transportation of the State of Ohio for the rehabilitation of the East 105th Street Bridge, authorizing related public improvement and professional service contracts, and causing payment to the State of Ohio.

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

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

Section 1. That Section 11 of Ordinance No. 1162-94, passed July 20, 1994, is amended to read as follows:

Section 11. That the cost for the payment authorized in Section 7 of this ordinance, the cost of the public improvement authorized in Section 8 of this ordinance, and the cost of the professional services authorized in Section 10 of this ordinance shall be paid from the proceeds of the sale of the general obligation bonds of the City of Cleveland authorized by Ordinance No. 872-94, passed May 23, 1994, and from Fund Nos. 20 SF 060, 20 SF 061, 20 SF 883, 20 SF 146, 20 SF 151, 20 SF 160, 20 SF 170, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, **20 SF 364, 20 SF 373, 20 SF 380, and 20 SF 383, 20 SF 394, 52 SF 001, and 58 SF 001**, Request Nos. 21908 and 138386.

Section 2. That Section 11 of Ordinance No. 1162-94, passed July 20, 1994, 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.

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

Ord. No. 242-04.

By Council Members O'Malley, Sweeney, Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend the title, Section 1, and Section 4 of Ordinance No. 365-03, passed May 12, 2003, relating to the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances on portions of various streets.

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

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

Section 1. That the title, Section 1, and Section 4 of Ordinance No. 365-03, passed May 12, 2003, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances on portions of West 98th Street, Woodhaven Avenue, West 41st Street, **West 88th Street**, and West 110th Street; and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of the improvement.

Section 1. That, under Sections 165 and 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of laying, re-laying and repairing specified sidewalks, driveway aprons, curbs, gutters and/or castings on the following streets to be designated for partial assessment in the future: West 98th Street, between Lorain Avenue and Walford Avenue; Woodhaven Avenue, between Ridge Road and West 63rd Street; West 41st Street, between Schiller Avenue and Archmere Avenue; **West 88th Street, between Clark Avenue and Denison Avenue**, and West 110th Street, between Clifton Avenue and Franklin Avenue, for the Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 4. That the cost of the contract or contracts shall be charged against **Fund Nos. 20 SF 364, 20 SF 373, 20 SF 383, 10 SF 034, 10 SF 166, and from** the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contracts certified by the Director of Finance. (RLs 117805 and 138395)

Section 2. That the existing title, Section 1, and Section 4 of Ordinance No. 365-03, passed May 12, 2003, 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.

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

Ord. No. 243-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of LED bulbs, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of LED bulbs used in traffic and pedestrian signals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139724)

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.

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

Ord. No. 244-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signals, poles, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signals, poles, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 139723)

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.

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

Ord. No. 245-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair interior and exterior bodies of the motor vehicle fleet, for the Division of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to repair interior and exterior bodies of the motor vehicle fleet, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131266)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 246-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of printer consumables, for the Divisions of Water 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of printer consumables, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131265)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 247-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of electrical test equipment and labor and materials necessary to maintain or repair electrical test equipment, including training when necessary, for the Division of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of various types of electrical test equipment and labor and materials necessary to maintain or repair electrical test equipment, including training when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131263)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio

or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 248-04.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of low sulfur #2 dyed diesel fuel oil, for the Division of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of low sulfur #2 dyed diesel fuel oil, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131262)

Section 3. That under Section 108(b) of the Charter, the purchases

authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 249-04.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to paint street-side elements, for the Division of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to paint streetside elements, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later pur-

chases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131267)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 250-04.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, and repair bucket trucks, for the Division of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to test, inspect, and repair bucket trucks, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be

charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 131264)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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.

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

Ord. No. 251-04.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into one or more contracts with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$2,753,605.00 from the State of Ohio Department of Development, to conduct the State Home Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors and various non-profit organizations for the provision of weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

Section 3. That the cost of the contracts shall not exceed, in the aggregate,

the total amount of the grant accepted in Section 1, and shall be paid from the fund or funds that are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 252-04.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to provide asbestos evaluation and Phase I environmental audits; and authorizing the purchase by one or more requirement contracts of clean-up and securing of sites and the removal and disposal of underground storage tanks, for the Department of Building and Housing for a period of one year.

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

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

Section 1. That the Director of Building and Housing is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to provide environmental compliance monitoring services in conjunction with the City's demolition program for a one year period.

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

Section 2. That the Director of Building and Housing is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to provide asbestos evaluation and Phase I environmental audit services in conjunction

with the City's demolition program for a one year period.

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

Section 3. That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of clean-up and securing of sites and the removal and disposal of underground storage tanks, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until a provision is made for the requirements for the entire term.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using State of Ohio procedures. The Director of Building and Housing may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the costs of the contract or contracts shall be charged against Fund Nos. 14 SF 027, 14 SF 028, and from the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 111698)

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.

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

Ord. No. 253-04.
By Council Members Britt, Rybka, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to employ one or more professional consultants to study transportation and design issues on Fleet Avenue; and authorizing an agreement with the Shaker Square Area Development Corporation to cooperate in the cost of this project.

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

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

Section 1. That the Director of the City Planning Commission is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to study transportation and design issues on Fleet Avenue.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of the City Planning Commission from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of the City Planning Commission for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of the City Planning Commission, and certified by the Director of Finance.

Section 2. That the Director of the City Planning Commission is authorized to enter into an agreement with the Shaker Square Area Development Corporation to cooperate in the cost by contributing up to \$10,000 to the City of Cleveland for this project, and those funds are appropriated for this purpose.

Section 3. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 412, 20 SF 456, and from the fund or funds which are credited the money received from the Shaker Square Area Development Corporation for this purpose, Request No. 112332.

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.

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

Ord. No. 254-04.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract or amend an existing contract to conduct forensic investigations of various material supply contacts and related auditing services.

Whereas, forensic investigations of various material supply contracts and related auditing services are necessary for the Division of Water; and

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

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

Section 1. That the Director of Public Utilities is authorized to enter into contract or contracts, or to amend an existing contract to provide forensic investigations of various material supply contacts and related auditing services.

Section 2. That the contract or contract amendment shall be prepared by the Director of Law and shall contain the provisions that the Director of Law deems necessary to protect and benefit the public interest.

Section 3. That the Director of Public Utilities is directed to report audit findings authorized by this ordinance to City Council.

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

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

Ord. No. 264-04.
By Council Member Cintron.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 48th Street to Urban Community School.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-121 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30.0 feet of Sublot No. 184 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and forming a parcel of land 40.00 feet front on the Western side of West 48th Place and extending backing between parallel lines 30.00 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-122 as more fully described below to Urban Community School.

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

P. P. No. 006-20-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 27.5 feet of Sublot No. 183 in the Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and forming a parcel of land 27.5 feet front on the Easterly side of West 48th Street (formerly Liberty Street) and extending back between parallel lines 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-123 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 15 feet of Sublot No. 182 and the Northerly 12.5 feet of Sublot No. 183 in Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and together forming a parcel of land 27.5 feet front on the Easterly side of West 48th Street and extending back of equal width 125 feet deep be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ord-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-124 as more fully described, to Urban Community School.

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

P. P. No. 006-20-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet of Sublot No. 182 in Elisha Taylor and James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and being 25 feet front on the Easterly side of West 48th Street, (formerly Liberty Street), and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-125 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 181 in Taylor and Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 48th Street, and extending back of equal width 125 feet deep be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-126 as more fully described below, to Urban Community School.

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

P. P. No. 006-20-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 180 in Taylor and Hoyt's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 48th Street (formerly Liberty Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 265-04.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 103-24-029 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-24-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Pitkin and Watterson's Allotment of part of Original Ten Acre Lot No. 71 as shown by the recorded plat in Volume 4 of Maps, Page 7 of Cuyahoga County Records, and being 36 feet 8 inches front on the Westerly side of East 46th Street and 140 feet 9 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-25-031 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-25-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 50 feet of Sublot No. 61 in W.J. Gordon's Subdivision of part of Original Ten Acre Lot Nos. 71, 72 and 73, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 57 of Cuyahoga County Records. Said Southerly 50 feet of Sublot No. 61 has a frontage of 50 feet on the Easterly side of East 46th Street (formerly Kennard Street), and extends back between parallel lines 150 feet according to said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-25-032 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-25-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 45 feet of Sublot No. 60 and the Northerly 10 feet of Sublot No. 61 in W.J. Gordon's Subdivision of part of Original Ten Acre Lot Nos. 71, 72 and 73, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 57 of Cuyahoga County Records. Said parts of said Sublot Nos. 60 and 61 together form a parcel of land having a

frontage of 55 feet on the Easterly side of East 46th Street (formerly Kennard Street), and extends back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-25-033 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-25-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet from front to rear of Sublot No. 59 and the Northerly 15 feet from front to rear of Sublot No. 60 in W.J. Gordon's Allotment of part of Original Ten Acre Lot Nos. 71, 72, and 73, as shown by the recorded plat in Volume 5 of Maps, Page 57 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Easterly side of Kennard Street, now known as East 46th Street, and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-31-101 as more fully described below, to Burten, Bell, Carr Development, Inc. **Section 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-31-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 284 and the Northerly 2 feet from front to rear of Sublot No. 285 in Leonard Case's Subdivision of part of Original Ten Acre Lot Nos. 44, 45, 46 and 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 of Cuyahoga County Records, and together forming a parcel of land 52 feet front on the Easterly side of East 39th Street (formerly Osborn Street), and extending back 124 feet 8-1/2 inches deep on the Northerly line about 124 feet 9 inches deep on the Southerly line and 52 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-22-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-22-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in Payne-Clark Re-Allotment of their Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-22-096 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-22-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in Payne and Clark's Allotment of a part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 11 of Maps, Page 33 of Cuyahoga County Records. Sublot No. 50 has a frontage of 40 feet on the Westerly side of East 69th Street (formerly Jessie Street) and extends back of equal width 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-22-097 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-22-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 51 in Clark and Payne's Re-Allotment of their Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Re-Allotment in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40-17/100 feet front on the Westerly side of Jessie Street, (now known as East 69th Street) and extending back of equal width 137 75/100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-022 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-29-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 109 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 63rd Street (60 feet wide) at its intersection with the Northerly line of said Sublot No. 109; thence Westerly along the Northerly line of said Sublot No. 109, 115 feet to a point; thence Southerly and parallel to the Westerly line of East 63rd Street, as aforesaid, 8 feet to a point; thence Easterly and parallel with the Northerly line of said Sublot No. 109, 35 feet to a point; thence Southerly and parallel with the Westerly line of East 63rd Street, as aforesaid 30 feet to a point; thence Easterly and parallel with the Northerly line of said Sublot No. 109, 80 feet to the Westerly line of East 63rd Street, as aforesaid, thence Northerly along said Westerly line of East 63rd Street, 38 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to easement recited in Volume 8017, Page 263 of Cuyahoga County Records filed February 16, 1954.

Also subject to zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-084 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-29-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 344 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Lodge Avenue (now known as East 61st Street) and extending back of equal width 160 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-29-095

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

No. 83 in the W.S. and M.W. Chamberlains Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, 40 feet front on the Easterly side of East 61st Street extending back of equal width 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-29-114 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-29-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 109 in the Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being bounded and described as follows:

Beginning in the Westerly line of East 63rd Street at its intersection with the Southerly line of said Sublot No. 109; thence Westerly, along the Southerly line of said Sublot No. 109, 160 feet to the Westerly line of said Sublot No. 109; thence Northerly, and along the Westerly line of said Sublot No. 109, 40 feet to the Northerly line of said Sublot No. 109; thence Easterly, and along the Northerly line of said Sublot No. 109, 45 feet to a point; thence Southerly, and parallel with the Westerly line of East 63rd Street as aforesaid, 8 feet to a point; thence Easterly, and parallel with the Northerly line of Sublot No. 109, 35 feet to a point; thence Southerly, and parallel with the Westerly line of East 63rd Street as aforesaid, 30 feet to a point; thence Easterly, and parallel with the Northerly line of said Sublot No. 109, 80 feet to a point in the Westerly line of East 63rd Street as aforesaid; thence Southerly, along the Southerly line of East 63rd Street as aforesaid, 2 feet to the place of beginning, be the same more or less, but subject to all legal highways.

The above described premises are together with an easement for ingress and egress on or over the following-described stripped of land:

Beginning in the Westerly line of East 63rd Street (60 feet wide), at a point distant 2 feet Northerly, as measured along said Westerly line of East 63rd Street from its intersection with the Southerly line of said Sublot No. 109; thence Westerly, and parallel with the Northerly line of said Sublot No. 109, 80 feet to a point; thence Northerly and parallel with the Westerly line of East 63rd Street as aforesaid, 2 feet to a point; thence Easterly, and parallel with a Northerly line of said Sublot No. 109, 80 feet to a point in the Westerly line of East 63rd Street as aforesaid; thence Southerly 2 feet to

the place of beginning, be the same more or less, but subject to all legal highways.

Section 25. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 26. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 27. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 28. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 266-04.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sophia Avenue to Olive Grove Missionary Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-37-051 as more fully described below, to Olive Grove Missionary Baptist Church.

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

P. P. No. 126-37-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 27 feet of Sublot No. 12, and the Easterly 33 feet of Sublot No. 15 in Stewart and Crowell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, together forming a parcel of land 60 feet front on the Northerly side of Sophia Avenue, and extending back of equal width 102 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-37-052 as more fully described below to Olive Grove Missionary Baptist Church.

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

P. P. No. 126-37-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 21 feet of Sublot No. 11 and the Easterly 9 feet of Sublot No. 12 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, together forming a parcel of land 30 feet front on the Northerly side of Sophia Avenue, S.E. and extending back of equal width 102 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-37-053 as more fully described below, to Olive Grove Missionary Baptist Church.

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

P. P. No. 126-37-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 15 feet from front to rear of Sublot No. 11 and the Westerly 15 feet from front to rear of Sublot No. 8 in Stewart and Crowell's Subdivi-

sion of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Northerly side of Sophia Street (now known as Sophia Avenue), and extending back of equal width 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-37-054 as more fully described, to Olive Grove Missionary Baptist Church.

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

P. P. No. 126-37-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 5 feet from front to rear of Sublot No. 7 and the Easterly 25 feet from front to rear of Sublot No. 8 on J.S. Stewart and G. W. Crowell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Northerly side of Sophia Street, (now known as Sophia Avenue) and extending back 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 10. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 11. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 12. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

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

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

Ord. No. 267-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Amistad Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-062 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 wide) said Easterly line parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2264.18 feet Northerly, (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and being fur-

ther known as Sublot No. 376 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-063 as more fully described below to Amistad Development Corporation or designee.

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

P. P. No. 143-18-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street (50 feet wide), said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2222.81 feet Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 377 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-064 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street said Easterly line being parallel to and 542.50 feet Easterly, (measured at right angles) from, the Westerly line of the second parcel of land

described in the deed from the John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2180.81 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 378 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-065 as more fully described, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and other, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2140-35/100 feet Northerly (measured along said Easterly line and its outerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles and said Easterly line proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 379 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-066 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in Deed from John B. Corlett and others, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records at a point 2098-35/100 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and further known as Sublot No. 380 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-067 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide), said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2056.35 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line par-

allel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 381 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-068 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street (50 feet wide), said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2015.89 Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning further known as Sublot No. 382 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-069 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being par-

allel to and 542.50 feet Easterly, (measured at right angles) from, the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1973.89 feet Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel so said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 383 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-070 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.59 feet Easterly (measured at right angles), from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, parallel 592 of Cuyahoga County Records, at a point 1973.78 feet Northerly (measured along Westerly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 408 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-071 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2015.24 feet Northerly (measured along said Westerly line and its Southerly prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 40.46 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 409 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-072 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2056.24 feet

Northerly (measured along said Westerly line and its Southerly prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 410 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-073 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street 50 feet wide, former proposed East 173rd Street, said Westerly line being parallel to and 492-50/100 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett, and others, to William J. Lang dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2098.24 feet Northerly, measured along said Westerly line and its Southerly prolongation, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street 150 feet; thence Southerly along a line at right angles with the last described line 42 feet; thence Easterly 150 feet to the place of beginning, being further known as Sublot No. 411 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-074 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide, formerly proposed East 173rd Street, said Westerly line being parallel to and 492.50/100 feet Easterly measured at right angles from the Westerly line of the second parcel of land described in the deed from John C. Corlett and others, to William J. Lang dated February 1, 1916 and record in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2140.24 feet Northerly, measured along said Westerly line and its Southerly prolongation, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street 40.46 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; Original Ten Acre Lot No. Southerly along a line at right angles with the last described line 40.46 feet; thence Easterly 150 feet to the place of beginning, further known as Sublot No. 412 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-075 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning at a point in the Westerly line of East 176th Street, 50 feet wide, proposed, said Westerly line being parallel with and 492.50 feet Easterly measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and Eli W. Cannell, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records; at a point therein, distant 248.92 feet Southerly measured along said Westerly line of East 176th Street (formerly East 172nd Street), from the Southeastery corner of Sublot No. 294 in William J. Lang's Lee Heights Allotment recorded in Volume 89 of Maps, Page 16 of Cuyahoga County Records; thence Southerly along the Westerly line of East 176th Street, proposed, and parallel with the Westerly line of land conveyed to William J. Lang as aforesaid 42 feet; thence Westerly at right angles with the Southerly line of

East 176th Street 150 feet; thence Northerly parallel with said Westerly line of East 176th Street 42 feet; thence Easterly at right angles with the Westerly line of East 176th Street 150 feet to the place of beginning, further known as Sublot No. 413 in William J. Lang's proposed Lee Heights Allotment, proposed, be the same more or less, but subject to all legal highways.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-076 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed, (formerly East 173rd Street) 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant 2222.70 feet Northerly measured along said Westerly line of East 176th Street, proposed and the Southerly prolongation thereof from its point of intersection with the Southerly line of the said second parcel of land so conveyed to William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 42.00 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed a distance of 42.00 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 414 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-077 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed (formerly East 173rd Street), 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly measured at right angles from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant 2264.70 feet Northerly measured along said Westerly line of East 176th Street, proposed, and the Southerly prolongation thereof from its point of intersection with the Southerly line of the said second parcel of land so conveyed to William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 40.46 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed, a distance of 40.46 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 415 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-078 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed, (formerly East 173rd Street) 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly measured at right angles from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant 2305.16 feet Northerly measured along said Westerly line of East 176th Street, proposed, and the Southerly prolongation thereof from its point of intersection with the Southerly line of said second parcel of land so conveyed to

William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 42.00 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed a distance of 42.00 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 416 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-065 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (formerly proposed East 173rd Street) at the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920, and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land conveyed, which is also the Easterly line of proposed East 176th Street, 42 feet; thence Easterly along a line parallel to the Northerly line of land conveyed as aforesaid, 150 feet to the Easterly line of land so conveyed; thence Northerly along said Easterly line, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 384 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-066 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-066

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

Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (formerly proposed East 173rd Street) at a point 42 feet Southerly from the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920, and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed, which is also the Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly along a line parallel to the Northerly line of land conveyed as aforesaid, 150 feet to the Easterly line of land so conveyed; thence Northerly along said Easterly line, 40.46 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 385 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-067 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street), at a point 82.46 feet Southerly from the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920 and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed, which is also the Easterly line of proposed East 176th Street, 42 feet to the Southwesterly corner of land conveyed as aforesaid; thence Easterly along the Southerly line of land so conveyed, 150 feet to the Southeastly corner; thence Northerly along the Easterly line of land so conveyed, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 386 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-068 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1807.43 feet Northerly, (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 387 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-069 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (said Easterly line being parallel with and 542.50 feet Easterly measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1766.97 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel

to said Easterly line of proposed East 176th Street, 40.46; thence West-erly 150 feet to the place of begin-ning, and be further known as Sublot No. 388 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-070 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line be parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1724.97 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 389 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-071 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the

Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1682.97 feet Northerly (measure along said Easterly line and its Southerly prolongation) from the Southerly line of said parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 390 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-072 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line be parallel with and 542.50 feet Easterly, measured at right angle, from the West-erly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1642.51 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 391 in William J. Lang's proposed Lee Heights Allotment, as appears by said plat, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-073 as more fully described below, to Amis-

tad Development Corporation or designee.

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

P. P. No. 143-19-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1600.51 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street , 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 392 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-074 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1558.51 feet Northerly, (measured along said Easterly line and its Southern prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line

of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 393 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-075 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1518.05 feet Northerly, (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and further known as Sublot No. 394 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-076 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1476.05 feet Northerly, (measured along said Easterly line and its Southern prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 395 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-085 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide, (said Westerly line being parallel to and 492-50/100 feet Easterly, (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1475.94/100 feet Northerly, (measured along said Westerly line and its prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 396 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-086 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide, (said Westerly line being parallel to and 492-50/100 feet Easterly, (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1517.94/100 feet Northerly, (measured along said Westerly line and its prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 40.46 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 397 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-087 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning in the Westerly line of East 176th Street, proposed (50 feet wide) said Westerly line being parallel to and distant 492.50 feet Easterly (measured to right angles) from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant Northerly, measured along said Westerly line of East 176th Street,

proposed, and the Southerly prolongation thereof, 1517.94 feet from the Southerly line of the second parcel of land conveyed to William J. Lang as aforesaid; thence Northerly along said Westerly line of East 176th Street, proposed, 42 feet; thence Westerly at right angles to said Westerly line of East 176th Street, proposed, 150 feet; thence Southerly on a line parallel to said Westerly line of East 176th Street, proposed, 42 feet; thence Easterly on a direct line, 150 feet to the place of beginning, and being further known as Sublot No. 398 in William J. Lang's Lee Heights Allotment, proposed, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-088 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof; from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 feet to the place of beginning and being further known as Lot No. 399 of W.J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights,

if any, to the abutting portion of the East 176th Street (formerly East 173rd Street), and further being part of the same premises described in parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-089 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1559.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation hereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 42 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly [line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 40.46; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 40.46 to the place of beginning and being further known as Sublot No. 400 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-090 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 82.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 feet to the place of beginning and being further known as Lot No. 401 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street) and further being part of the same premises described as Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-091 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 wide), said Easterly line be parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 124.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 to the place of beginning and being further known as Lot No. 402 of W. J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92, and 93, according to the survey mad by Charles Root, Civil Engineer, December 1915, as appears by said plat, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the dead recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-092 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot

No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly, along said Easterly line of East 175th Street (formerly East 172nd Street) 166.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 40.46 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 40.46 to the place of beginning and being further known as Lot No. 403 of W.J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-093 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John

B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded to Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 248.92 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Southerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Northerly 42 to the place of beginning and being further known as Lot No. 404 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, , be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records. Subject to zoning ordinances, if any.

Section 77. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-094 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and others, to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1849.32 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles to said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on

a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 405, in proposed William J. Lang's Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 79. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-095 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of land described in deed from John B. Corlett and others to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records at a point 1891.32 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46; thence Westerly on a line at right angles with the said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 40.46 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 406 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 81. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-096 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records at

a point 1931.78 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with the said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 407 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 83. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 84. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 85. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 86. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 269-04.

By Council Member O'Malley.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4817 Biddulph Avenue to Ronald Ziegler.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of

Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 012-15-017, as more fully described below, to Ronald Ziegler.

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

P. P. No. 012-15-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 10 feet of Sublot No. 9 and the Westerly 30 feet of Sublot No. 8 in the Lowrie Brothers Forestdale Subdivision of part of Original Brooklyn Township Lots Nos. 42 and 59, as shown by the recorded plat in Volume 41, Page 8 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Southerly side of Biddulph Avenue, S.W. and extending back of equal width 155.48 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 270-04.
By Council Member Polensek.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sheldon Drive to Donna L. Morgan.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 114-31-034, as more fully described below, to Donna L. Morgan.

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

P. P. No. 114-31-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 23 in the Elworthy-Helwick Company's Bungalow Park Allotment No. 2 of part of Original Euclid Township Track No. 14, as shown by the recorded plat in Volume 69 of Maps, Page 40 of Cuyahoga County Records, and being a triangular shaped parcel of land having a frontage of 127.88 on the Easterly curved side of Shelton Drive, N.E., and extending back 67.5 feet on the Northeasterly line, and 99.78 on the Southeasterly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 271-04.
By Council Member White.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Union Miles Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 133-22-041 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 133-22-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Edmynd P. James Subdivision of part of Original One Hundred Acre Lot No. 448, as shown by the recorded plat in Volume 21 of Maps, Page 11 of Cuyahoga County Records, and being 38.91 feet front on the Southerly side of Crane Avenue and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-01-041 as more fully described below to Union Miles Development Corporation or designee.

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

P. P. No. 135-01-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in Thorp and Anderson's Allotment of part of Original One Hundred Acre Lot No. 449 as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records, and being 53 feet front on the Northerly side of Anderson Street and 145 feet deep on the Easterly line, 145-7/12 feet deep on the Westerly line and 63-3/12 feet wide in the rear, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-01-042 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-01-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 76 in Thorpe and Anderson's Subdivision of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Anderson Avenue, S.E., and extending back of equal width 145 feet to the Southerly line of Benham Avenue, S.E., as widened by plat recorded in Volume 126 of Maps, Page 9 of Cuyahoga County Records., as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-02-112 as more fully described, to Union Miles Development Corporation or designee.

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

P. P. No. 135-02-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in Thorp and Anderson's Subdivision of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Anderson Avenue, S.E., (formerly Collins Avenue) and extending back 123 feet 4 inches on the Easterly line, 122 feet 6 inches on the Westerly line, and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-02-119 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-02-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 175 feet of Sublot No. 26 in Thorp and Anderson's Subdivision of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Southerly side of Anderson Avenue, S.E., (formerly Collins Avenue) and extending back of equal width 175 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-03-040 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-03-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block 7 in the Plat of the partition made by the heirs of Alonzo Carter of part of Original 100 Acre Lots Nos. 449 and 450, as shown by the recorded plat in Volume 12 of Maps, Page 38 of Cuyahoga County Records, and part of Sublot No. 40 in Thorp and Anderson's Allotment of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Northerly line of Orleans Avenue, S.E. at the Southwesterly corner of said Block No. 7; thence Easterly along said Northerly line of Orleans Avenue S.E., 45 feet; thence Northerly parallel with the Easterly line of said Block No. 7, 135 feet to the Northerly line of said Block; thence Westerly along said Northerly line, 16.55 feet to the Easterly line of said Sublot No. 40 in Thorp and Anderson's Subdivision; thence Southerly along said Easterly line, 16.82 feet to a point in the Easterly line of said Sublot No. 40 distant Southerly 150.15 feet from the Northeasterly corner of said Sublot; thence Westerly to the Northeasterly corner of a parcel of land conveyed to Joseph Bednar and Anna Bednar by deed dated May 13, 1925 and recorded in Volume 3246, Page 593 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Joseph Bednar and Anna Bednar and the Westerly line of said Block No. 7 in the Partition of the heirs of Alonzo Carter to the place of beginning.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-03-106 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-03-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: And known as being the Northerly 90 feet of Sublot No. 34, in Hanson's Subdivision of part of Original Newburg Township Lot No. 450, as shown by the recorded plat in Volume 21 of Maps, Page 14 of Cuyahoga County Records and being 35 feet front on the Southerly side of Benham Avenue and extending back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-011 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-04-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 449, bounded and described as follows:

Beginning on the Easterly line of East 93rd Street (formerly Woodland Hills Avenue), at the Southwesterly corner of the parcel conveyed by Matilda Morgan to Samuel and Mary J. Batt, May 10, 1893 and by deed recorded in Volume 549, Page 119 of Cuyahoga County Records; thence Easterly along the Southerly line of said parcel conveyed to Batt, 114.85 feet; thence Southerly parallel with the Easterly line of said East 93rd Street, 70 feet to the Northerly line of Dunlap Avenue, S.E.; thence Westerly parallel with the Southerly line of said Batt's land and along the Northerly line of said Dunlap Avenue, S.E., 114.85 feet to the Easterly line of East 93rd Street; thence Northerly along the Easterly line of East 93rd Street, 70 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-05-026 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-05-026

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

Sublot No. 27 in The Carter Heirs Allotment of part of Original One Hundred Acre Lot Nos. 449 and 450 as shown by the recorded plat in Volume 12 of Maps, Page 38 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Northerly line of Aetna Road, S.E., distant 44.035 feet Westerly from the Southeasterly corner of said Sublot No. 27; thence Westerly along said Northerly line of Aetna Road, S.E., 45 feet to a point; thence Northerly 135 feet to a point in the Northerly line of said Sublot No. 27, distant 89.19 feet Westerly from the Northeasterly corner thereof; thence Easterly along the Northerly line of said Sublot, 45 feet; thence Southerly 135 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-05-031 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-05-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 44 feet of the Westerly 88 feet of Sublot No. 28 in Alonzo Carter Heirs Allotment of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 12 of Maps, Page 38 of Cuyahoga County Records and being 44 feet front on the Northerly side of Aetna Road, S.E. and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-05-060 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-05-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 449 and bounded and described as follows:

Beginning in the Northerly line of Dunlap Avenue, S.E. 50 feet wide, at a point, distant 890 feet Easterly as measured along said Northerly line, from its intersection with the Easterly line of East 93rd Street, (formerly Woodland Hills Avenue) 80 feet wide; thence Easterly along said Northerly line of Dunlap Avenue, 36 feet to the Southwesterly corner of land conveyed to Elizabeth Sekarak by deeded dated October 3, 1949, and recorded in Volume 6871, Page 495 of Cuyahoga County Records; thence Northerly

along the Westerly line of said land conveyed to Elizabeth Sekarak, 150 feet to the Northwesterly corner of said land; thence Westerly parallel with the Northerly line of Dunlap Avenue, 36 feet to the Northwesterly corner of land conveyed to George Tomcisin and Mary Tomcisin by deeded dated April 9, 1941, and recorded in Volume 5230, Page 330 of Cuyahoga County Records; thence Southerly along the Westerly line of land conveyed to Tomcisin as aforesaid, 150 feet to the place of beginning.

Subject to zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-06-002 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-06-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 20 in the Carter Heirs Allotment of part of Original One Hundred Acre Lot Nos. 449 and 450, as shown by the recorded plat in Volume 12 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Orleans Avenue and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-14-008 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-14-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 206 in Union Heights Realty Company, Subdivision of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat in Volume 43 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 108th Street and extending back 118.02 feet on the Northerly line, 118.03 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions recited on Document No. 839920 of Cuyahoga County Records filed June 12, 1916.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-17-061 as more fully described below, to Union Miles Development Corporation or designee.

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

nance is more fully described as follows:

P. P. No. 135-17-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 92 in the A. Harris Re-Subdivision of part of Original One Hundred Acre Lot No. 457, as shown by the recorded plat in Volume 11 of Maps, Page 55 of Cuyahoga County Records and being 50.25 feet front on the Northerly side of Way Avenue, S.E. and extending back of equal width 100 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-01-032 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-01-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in Thorp and Anderson's Allotment of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records. Said Sublot No. 11 has a frontage of 40 feet on the Southerly side of Anderson Avenue, S.E., and extends back 154 feet 8 inches on the Westerly line, 156 feet 9 inches on the Easterly line and has as rear line of 40 feet 1 inch, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-078 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-04-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat of said allotment in Volume 12 of Maps, Page 38 and 39 of Cuyahoga County Records and bounded and described as follows:

Beginning upon the Southerly line of Orleans Avenue, S.E. and 38 feet East of the Northwest corner of said Sublot No. 18; thence Southerly and parallel with the Easterly line of said Sublot No. 18, 135 feet to the Southerly line of said Sublot No. 18; thence Easterly on the Southerly line of Sublot No. 18, 38 feet; thence Northerly and parallel with the first described line 135 feet to the Southerly line of Orleans Avenue, S.E.; thence Westerly on the Southerly line of Orleans Avenue, 38 feet to the place of beginning as appears

by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-079 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 135-04-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 38 feet of Sublot No. 18 in the Carter Heir's Allotment of part of Original One Hundred Acre Lot Nos. 449 and 450 as shown by the recorded plat in Volume 23 of Maps, Page 8 of Cuyahoga County Records and being 38 feet front on the Southerly side of Orleans Avenue, S.E. and extending back of equal width 135 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-03-026 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-03-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 160 in L.W. Sapp Resurvey Subdivision of part of Original One Hundred Acre Lots Nos. 457 and 458, as shown by the recorded plat in Volume 12 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Prince Avenue, and extending back 173.56 feet on the Westerly line, 173.54 feet on the Easterly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-04-021 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-04-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 223 in James M. and Colgate Hoyt's Allotment of a part of Original One Hundred Acre Lot No. 458, as shown by the recorded plat in Volume 4 of Maps, Page 27 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Nelson Avenue and extending back between paral-

lel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-01-070 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-01-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in the L.W. Sapp's Subdivision of part of Original One Hundred Acre Lot Nos. 457 and 458 as shown by the recorded plat in Volume 12 of Maps, Page 25 of Cuyahoga County Records, and being a parcel of land, 40.02 feet front on the Southerly side of Elizabeth Avenue and extending back 124.70 feet deep on the West-erly line, about 124.68 feet deep on the Easterly line and being 40.02 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-01-092 as more fully described below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-01-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in a re-survey of Leo W. Sapp's Allotment of part of Original One Hundred Acre Lots Nos. 457 and 458, as shown by the recorded plat in Volume 12 of Maps, Page 25 of Cuyahoga County Records, and being 40.02 feet front on the Northerly side of Elizabeth Avenue, and extending back of equal width 140 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 43. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 44. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 45. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

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

Section 46. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 272-04.

By Council Member White.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Dunlap Avenue to Cleveland Housing Network, Inc. or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 135-04-033, as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 135-04-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 35 feet of Sublot No. 56 in A. Townsend et al, Allotment of part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat in Volume 12 of Maps, Page 51 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Dunlap Avenue, S.E., and extending back of equal width 150 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

Ord. No. 273-04.

By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Courtland Court to Denison Homes Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-32-074, 002-32-075 and 002-32-077, as more fully described below, to Denison Homes Corporation.

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

P. P. No. 002-32-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 186 and 187 in Benedict

and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, said parts of Sublots Nos. 186 and 187 are bounded and described as follows:

Beginning at a point in the Northerly line of said Sublot No. 186, distant Easterly, measured along said Northerly line, 86.00 feet front the Northwesterly corner of said Sublot; thence Southerly parallel with the Westerly lines of said Sublots Nos. 186 and 187 a distance of 100.20 feet to a point in the Northerly line of Courtland Court, N.W., 20 feet wide; thence Easterly along the Northerly line of Courtland Court, N.W., which Northerly line is parallel with and 20.00 feet Northerly from the Southerly line of said Sublot No. 187, a distance of 28.00 feet; thence Northerly parallel with the Westerly lines of Sublots Nos. 187 and 186 a distance of 100.20 feet to a point in the Northerly line of said Sublot No. 186; thence Westerly along the Northerly line of said Sublot No. 186 a distance of 28.00 feet to the place of beginning, according to a survey by the Henry G. Reits Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

TOGETHER WITH AND SUBJECT TO all to the Rights of Way, Easements, Restrictions, Covenants and Conditions created or reserved for the benefit of the above described premises, or imposed upon said premises, in the Deed from Frank Link and Mary Link, husband and wife, to Gizella Teklits, married, dated August 13, 1924, filed for record September 10, 1924 and recorded in Volume 3201, Page 7 of Cuyahoga County Records.

P. P. No. 002-32-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 186 and 187 in Benedict and Root's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Northerly line of Sublot No. 186, distant Easterly measured along said Northerly line, 58.00 feet from the Northwesterly corner of said Sublot; thence Southerly parallel with the Westerly line of said Sublot Nos. 186 and 187 a distance of 100.20 feet to a point in the Northerly line of Courtland Court, proposed, 20 feet wide; thence Easterly along the Northerly line Courtland Court, proposed, which Northerly line is parallel with and 20.00 feet Northerly from the Southerly line of said Sublot No. 187, a distance of 28.00 feet; thence Northerly parallel with the Westerly line of Sublot Nos. 187 and 186 a distance of 100.00 feet to a point in the Northerly line of said Sublot No. 186; thence Westerly along the Northerly line of said Sublot No. 186 a distance of 28.00 feet to the place of beginning, according to a survey by the Henry G. Reitz Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

P. P. No. 002-32-077

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

Ohio, and known as being part of Sublot Nos. 186 and 187 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and together bounded and described as follows:

Beginning at the Northwesterly corner of said Sublot No. 186; thence Southerly along the Westerly line of Sublot Nos. 186 and 187, a distance of 100.20 feet to a point in the Northerly line of Courtland Court, Northwest, 20 feet wide; thence Easterly along the Northerly line of Courtland Court, Northwest, which is parallel with and 20.00 feet Westerly from the Southerly line of said Sublot No. 187, a distance of 30.00 feet; thence Northerly parallel with the Westerly line of Sublot Nos. 187 and 186, a distance of 100.20 feet to a point in the Northerly line of Sublot No. 186; thence Westerly along the Northerly line of Sublot No. 186, a distance of 30.00 feet to the place of beginning, according to the survey by Henry G. Reitz Engineering Company, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 286-04.

By Council Member Polensek.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property to expand R.J. Taylor Park for the Department of Parks, Recreation and Properties.

Whereas, the Director of Parks, Recreation and Properties has requested the purchase of property which is located at 19306 Nottingham Road and 18914 Melville Road to expand R.J. Taylor Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for the expansion of R.J. Taylor Park:

19306 Nottingham Road

Permanent Parcel Number: 116-34-032
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 5, Dille Homes, Inc. Subdivision of part of Original Euclid Township Tract No. 14, as shown by the recorded plat in Volume 145 of Maps, Page 29 of Cuyahoga County Records, as appears by said plat, and being 50 feet front on the Southwesterly side of Nottingham Road N.E. and extending back of equal width, 140 feet deep, be the same more or less, but subject to all legal highways.

18914 Melville Road

Permanent Parcel Number: 116-34-054
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 24 in Dille Homes, Inc. Subdivision of part of Original Euclid Township, Tract No. 14, as shown by the recorded plat in Volume 145 of Maps, Page 29 of Cuyahoga County Records, and being 50 feet front on the Southeasterly side of Melville Road N.E., and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the purchase price to be paid for these properties shall not exceed the fair market value of \$78,000 for Permanent Parcel No. 116-34-032 and \$43,500 for Permanent Parcel No. 116-34-054.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 377.

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.

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

FIRST READING ORDINANCE REFERRED

Ord. No. 274-04.

By Council Member Cimperman.

An ordinance to change the zoning of a parcel on Riverbed Street from General Industry to Residence-Industry (Map Change No. 2115, Sheet No. 1)

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

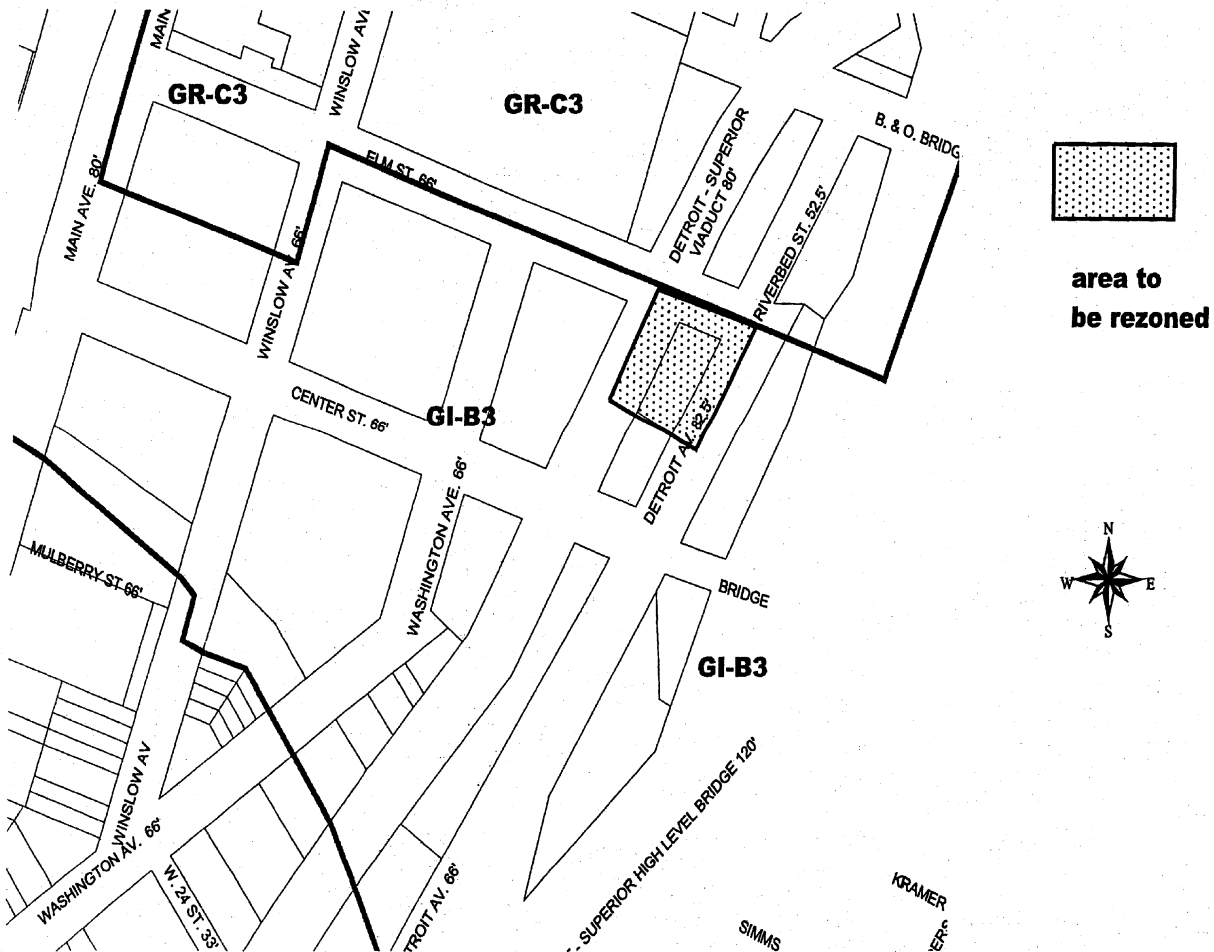
Section 1. That the Use and Area Districts of lands bounded and described as follows:

Beginning on the Centerline of Riverbed Street N.W. (width varies) at its Intersection with the Centerline of Sycamore Street N.W. (66 feet wide); thence Northwesterly along the Centerline of said Sycamore Street to its Intersection with the Centerline of the Superior Viaduct N.W. (80 feet wide); thence Southwesterly along the Centerline of said Superior Viaduct to its Intersection with the Easterly line of Sublot No. 569 in the Buffalo Company allotment as shown in Volume 3, page 51 of Cuyahoga County Records; thence Southeasterly along the Easterly line of said Sublot and its Southeasterly prolongation to its intersection with the centerline of Riverbed Street as aforesaid; thence Northeasterly along the Centerline of said Riverbed Street to the place of beginning, and as outlined and shaded on the attached map is changed to a Residence-Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2115, Sheet No. 1, 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.

Proposed rezoning of a parcel on Riverbed Street from General Industry to Residence-Industry (Map Change No. 2115, Sheet No. 1)



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

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

Ord. No. 262-04.

By Council Members Gordon and O'Malley.

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 2453-03 passed December 15, 2003 as it pertains to authorizing the Director of Community Development to enter into a grant agreement with Old Brooklyn Neighborhood Services, Inc. for providing their Old Brooklyn Residential Safety and Health program through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 2453-03, passed December 15, 2003 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement effective from January 1, 2004 to December 31, 2004 with the Old Brooklyn Neighborhood Services for providing their Old Brooklyn Residential Safety and Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 15 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$56,609.40 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 2453-03 passed December 15, 2003 are hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 263-04.

By Council Member Zane.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community

Forum Program for the public purpose of providing a strategic community planning and assessment program for Cleveland residents to develop and promote sustainable neighborhoods in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$31,875 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 285-04.

By Council Member Polensek.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 17306 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment, for the Department of Community Development.

Whereas, the Director of Community Development has requested the purchase of property located at 17306 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase property located at 17306 Lakeshore Boulevard, Permanent Parcel No. 113-25-007, which will be placed into the City's Land Reutilization Program for future redevelopment and more fully described as follows:

P. P. No. 113-25-007

17306 Lakeshore Boulevard
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 28 and 29 in Milton E. Bertram's Boulevard Allotment of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 80 of Maps, Page 1 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 174th Street at a point 40 feet Northerly from the Southeastly corner of said Sublot No. 28;

Thence Northerly along the said Westerly line of East 174th Street, 139.98 feet to the Southerly end of a turnout between said Westerly line and the Southerly line of Lake Shore Boulevard;

Thence Northwesterly along said turnout on a curved line deflecting to the left 31.44 feet to the Westerly end of said turnout;

Thence Westerly along said Southerly line of Lakeshore Boulevard 86.98 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 96 feet;

Thence Westerly on a line parallel to the Southerly line of Lakeshore Boulevard, 1-1/2 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 18 feet;

Thence Easterly on a line parallel to the Southerly line of Lakeshore Boulevard; 1-1/2 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 46 feet;

Thence Easterly 107 feet to the place of beginning as appears by said plat.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall be \$1.00 and other valuable considerations which is determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Res. No. 255-04.

By Council Member Pierce Scott.
An emergency resolution declaring this Council's support of the proposal of Glenbrooke Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Glenbrooke Homes III, L.P. is proposing to build up to 60 single family homes in the City of Cleveland; and

Whereas, none of the project's total units will be market rate units; and

Whereas, 20% of the project's total units will be set aside for households with annual incomes that are at or below 35% of the area median gross income and the balance of the units will be leased to households with annual incomes that are 60% or less of the area median gross income; and

Whereas, Glenbrooke Homes III, L.P.'s proposal will benefit the citizens of the City and will utilize housing tax credits; 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 declares its support of the proposal of Glenbrooke Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the project owner, Glenbrooke Homes III, L.P., c/o Glenville Development Corporation, 10650 St. Clair Avenue, Cleveland, Ohio 44108.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 256-04.

By Council Members Brady, Jackson, Gordon, Britt, Polensek, Pierce Scott, Cintron, Conwell, Zone, Reed, Coats, Sweeney, Westbrook, Cimperman, Dolan, Johnson, Jones, Lewis, O'Malley, Rybka and White.

An emergency resolution opposing the plan of President George W. Bush to eliminate Community Development Block Grant funding in year 2005.

Whereas, Community Development Block Grant ("CDBG") funding provides the City of Cleveland and other eligible metropolitan cities and urban counties with annual direct grants that they can use to revitalize neighborhoods, expand affordable housing and economic opportunities, and improve community facilities and services, principally to benefit low and moderate income persons; and

Whereas, the White House released a list of programs that it wants to eliminate in 2005 and programs that it hopes to cut back significantly; and

Whereas, one of the programs listed was the elimination of the Community Development Block grant program as the White House proposes a reduction in funding from \$334 million in 2004 to \$0 in 2005; and

Whereas, elimination of the Community Development Block Grant program will have a devastating effect on the City of Cleveland and other cities; and

Whereas, the United States Housing and Urban Development's web-

site indicates that "the impact of CDBG-funded projects can be seen in the housing stock, the business environment, the streets and the public facilities of entitlement communities" and indicates that "the program is also an increasingly important catalyst for economic development activities that expand job and business opportunities for lower income persons and neighborhoods"; and

Whereas, in these challenging economic times, it is important to continue programs that benefit low and moderate income persons and communities; and

Whereas, in these challenging economic times, it is also important to provide adequate funding of programs that increase economic development opportunities; 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 strongly opposes the plan of President George W. Bush to eliminate Community Development Block Grant funding in year 2005.

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, the Board Members of the National League of Cities, the Board Members of the National Black Caucus of Local Elected Officials (NBC-LEO), and the Director of the Ohio Municipal League.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 257-04.

By Council Member Britt.

An emergency resolution declaring Cleveland City Council's support of the proposal of Erie Square Apartments, L.P. to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Erie Square Apartments, L.P., is proposing to develop up to eighty-nine (89) housing units at 7621-7711 Euclid Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely: households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, forty percent (40%) of these housing units will have incomes at or below fifty percent (50%) of the area median income and,

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Erie Square Apartments, L.P. to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 258-04.

By Council Member Cimperman.
An emergency resolution declaring Cleveland City Council's support of the proposal of Famicos Foundation for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to redevelop forty-four (44) units of Single Room Occupancy housing in the 1850 Superior Avenue Apartment building; and

Whereas, one hundred percent (100%) of these units will be occupied by low-income individuals, with no market rate units; and

Whereas, no less than fifty percent (50%) of the units will serve a special needs population, specifically households that are homeless and in need of supportive services as defined in the 2004 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal will benefit the citizens of the City; 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 the Council of the City of Cleveland supports the proposal of Famicos Foundation for the development of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit two certified copies of this resolution to the Executive Director of Famicos Foundation.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 259-04.

By Council Members Gordon and Jackson.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXI to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland Housing Network Limited Partnership XXI is proposing to develop up to eighty five (85) housing units on scattered sites throughout the City of Cleveland; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Cleveland Housing Network Limited Partnership XXI to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 260-04.

By Council Member Lewis.

An emergency resolution declaring Cleveland City Council's support of the proposal of Hough Homes L.P. to provide affordable housing through the use of Housing Tax Credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Hough Homes L.P. is proposing to develop up to seventy (70) new homes on scattered sites located primarily in the Hough neighborhood of Cleveland; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Hough Homes L.P. to provide affordable housing for the citizens of Cleveland through the use of Housing Tax Credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of the Ward 7 CECD, the Cleveland Housing Network, Inc., and the Lutheran Housing Corporation.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 275-04.

By Council Member Britt.

An emergency resolution withdrawing objections to a New C1 and C2 Liquor Permit at 2609 East 110th Street and repealing Resolution Nos. 1550-03 and 1551-03, objecting to said permit.

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 2609 East 110th Street by Resolution Nos. 1550-03 and 1551-03 adopted by the Council on August 13, 2003; and

Whereas, this Council wishes to withdraw its objections to the above permit and consents to said permit; 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 a New C1 and C2 Liquor Permit to Clarinda C. Hodge, DBA East 110th Drive Thru, 2609 East 110th Street, Cleveland, Ohio 44104, Permanent Number 3884170, be and the same is hereby withdrawn and Resolution Nos. 1550-03 and 1551-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 276-04.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 6710 St. Clair Avenue and repealing Resolution No. 1294-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 6710 St. Clair Avenue by Resolution No. 1294-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph Cimperman and Applicant, Edward Dial, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 2119558, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Edward Dial, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 2119558 be and the same is hereby

withdrawn and Resolution No. 1294-03, 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 277-04.

By Council Member Johnson.

An emergency resolution objecting to a New D3A Liquor Permit at 12302 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New D3A Liquor Permit at Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New D3A Liquor Permit at Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 278-04.

By Council Member Johnson.

An emergency resolution objecting to the transfer of Liquor License of a D1, D2 and D3 Liquor Permit to 12302 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1, D2 and D3 Liquor Permit from DBDB Management Co., Inc., DBA Millennium, 1st and 2nd Floors, N. End & Patio WS, 1012 Sumner Avenue, Cleveland, Ohio 44115, Permanent Number 1990748 to Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer

of Liquor License of a D1, D2 and D3 Liquor Permit from DBDB Management Co., Inc., DBA Millennium, 1st and 2nd Floors, N. End & Patio WS, 1012 Sumner Avenue, Cleveland, Ohio 44115, Permanent Number 1990748 to Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 279-04.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2742 Van Aken Boulevard and repealing Resolution No. 1325-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2742 Van Aken Boulevard by Resolution No. 1325-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Van Aken Market, Inc., DBA Market on the Square, 2742 Van Aken Boulevard, Cleveland, Ohio 44120, Permanent Number 9198474 be and the same is hereby withdrawn and Resolution No. 1325-03, 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 280-04.**By Council Member Polensek.**

An emergency resolution withdrawing objections to a New C2 and renewal of a C1 and C2 Liquor Permit at 15638 Holmes Avenue and repealing Resolution Nos. 334-03 and 1336-03, objecting to said permit.

Whereas, this Council objected to a New C2 and renewal of a C1 and C2 Liquor Permit to 15638 Holmes Avenue by Resolution No. 334-03 adopted by the Council on March 3, 2003 and Resolution No. 1336-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objections to the above permit and consents to said permit; 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 objections to a New C2 and renewal of a C1 and C2 Liquor Permit to Tamara Tait, DBA R & T Resale and Variety, 15638 Holmes Avenue, Cleveland, Ohio 44110, Permanent Number 8780685, be and the same is hereby withdrawn and Resolution Nos. 334-03 and 1336-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 281-04.**By Council Member Zone.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 6520 Lorain Avenue and repealing Resolution No. 1350-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 6520 Lorain Avenue by Resolution No. 1350-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to 6520 Tavern, Inc., DBA Jo Jo's, 6520 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 8200146 be and the same is hereby withdrawn and Resolution No. 1350-03, contain-

ing 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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 282-04.**By Council Member White.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 7910 Harvard Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Clark Retail Enterprises, Inc., DBA Clark Store #1225, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 15255111225 to Amer Alahmad, DBA Open Pantry, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 0092793; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Per-

mit from Clark Retail Enterprises, Inc., DBA Clark Store #1225, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 15255111225 to Amer Alahmad, DBA Open Pantry, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 0092793; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 283-04.**By Council Member Jackson.**

An emergency resolution objecting to a New C1 Liquor Permit at 3230 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Family Dollar, Inc., DBA Family \$1.00 Discount, 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 2631277; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperi-

ty, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Family Dollar, Inc., DBA Family \$1.00 Discount, 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 2631277, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 284-04.

By Council Member Zone.

An emergency resolution opposing House Bill 386, which creates a statewide uniform building code as adopted by the State Board of Building Standards, and House Bill 175, which would establish a statewide uniform building code for all residential buildings.

Whereas, state representatives recently introduced House Bill 386, which specifies that the building code adopted by the state Board of Building Standards is a statewide uniform building code; and

Whereas, the House is also considering a previously introduced bill, H.B. 175, which would establish a uniform building code for all residential buildings; and

Whereas, both bills prohibit local governments from adopting rules or regulations in conflict with the statewide code; and

Whereas, additionally, local governments may not set standards higher than those established in the proposed statewide standards; and

Whereas, Ohio is an extremely diverse state and neither bill reflects the differences that exist among Ohio communities in everything from snowfall to topography, to community preference to history; and

Whereas, while it may be beneficial to have statewide building code standards to set minimum regulations, these bills establish the only standards a community may have, which will be difficult, if not impos-

sible to enforce in all Ohio communities; and

Whereas, H.B. 175 removes local government's authority to require licensing of residential contractors which diminishes the ability of local governments to set minimum contractor standards; and

Whereas, H.B. 386 and H.B. 175 may violate the Home Rule provisions of the Ohio Constitution, which give communities the right to govern themselves; 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 opposes House Bill 386, which creates a statewide uniform building code as adopted by the State Board of Building Standards, and House Bill 175, which would establish a statewide uniform building code for all residential buildings.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the appropriate members of the Ohio legislature and to the Ohio Municipal League.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 301-04.

By Council Members Coats and Jones.

An emergency resolution opposing House Bill 278, attempting to grant all power to regulate the placement and operation of oil and gas wells to the Ohio Department of Natural Resources, as House Bill 278 violates the home rule powers granted to municipalities by the Ohio Constitution.

Whereas, House Bill 278 gives all power to regulate the placement and operation of oil and gas wells to the Ohio Department of Natural Resources; and

Whereas, municipalities in Ohio, such as the City of Cleveland, exercising their constitutional home rule powers may regulate oil and gas wells; and

Whereas, House Bill 278 is contrary to the Ohio Constitution in that it violates the right of municipalities to exercise home rule powers as House Bill 278 declares that the Division of Mineral Resources Management, in the Department of Natural Resources, has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the State of Ohio; 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 declares its opposition to House Bill 278, attempting to grant all power to regulate the placement and operation of oil and gas wells to the Ohio Department of Natural Resources, as House Bill 278 violates the home rule powers granted to municipalities by the Ohio Constitution.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Ohio Governor Bob Taft, those members of the State of Ohio Legislature representing residents of the City of Cleveland, and the Director of the Ohio Municipal League.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 7-04.

By Council Member Brady.

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Brooklyn regarding uses and districts across common boundaries when applying zoning laws.

Approved by Directors of City Planning Commission, Law; Relieved of Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 44-04.

By Council Member Brady.

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Lakewood regarding uses and districts across common boundaries when applying zoning laws.

Approved by Directors of City Planning Commission, Law; Relieved of Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 45-04.

By Council Member Brady.

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Linndale regarding uses and districts across

common boundaries when applying zoning laws.

Approved by Directors of City Planning Commission, Law; Relieved of Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 98-04.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from Cuyahoga County, Department of Senior and Adult Services, for the Community Navigator Program; and authorizing the Director to employ one or more professional consultants to provide services to implement the program.

Approved by Directors of Aging, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 99-04.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the McGregor Foundation for the CHORE Program.

Approved by Directors of Aging, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

MOTION

By Council Member Coats seconded by Council Member O'Malley and unanimously carried that the absence of Council Member Nelson Cintron, Jr., be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:08 p.m. to meet at the call of the Chair, which will occur at the conclusion of the Finance Committee Meeting on Monday, March 1, 2004. The Committee Meeting will be published in the weekly committee calendar.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 18, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 18, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Absent: Director Carroll.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Director, Office of Equal Opportunity.

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

Resolution No. 53-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bosworth Industrial Supply, for an estimated quantity of hand tools & hand held power tools, Item Nos. 1 (51.1%, off price list Ames True Temper, Union & Other/\$12,000.00), 2 (51.3% off price list Milwaukee, 49.1% off price list Dewalt, 47.1% off price list Porter Cable/\$20,000.00), 3 (57.1% off price list Allen & Cooper/\$8,500.00), 5 (44.1% off price list Cleveland Twist \$4,000.00, 63.1% off price list Morse Cutting/\$4,000.00), 6 (44.1% off price list Cleveland Twist \$2,000.00 and 63.1% off price list Morse Cutting/\$8,000.00), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 11, 2003, pursuant to the authority of Ordinance No. 884-03, passed June 2, 2003, which on the basis of the estimated quantity would amount to Fifty-Eight Thousand Five Hundred and 00/100 Dollars (\$58,500.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142813 which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None. Absent: Director Carroll.

Resolution No. 54-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, for an estimat-

ed quantity of hand tools & hand held power tools, Item Nos. 3 (Klein, 50.2% off price list/\$4,250.00 Armstrong 52%/\$4,250.00), 4 (Rigid HC, TC, DC, PC 25.5%, HS, PS, TS, DS 36.1%, HE & TE 44.1% \$25,000.00), 5 (Brunner Lay A, B & E 35.1%, T, 25.1%, LE, 15.1%, LD & D 28.4% & X 20.1%/\$8,000.00), 8 (CIP 48.5% & Klein 48.1%/\$8,500.00, Greenlee 26%/\$10,000.00), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 11, 2003, pursuant to the authority of Ordinance No. 884-03, passed June 2, 2003, which on the basis of the estimated quantity would amount to Fifty-One Thousand Five Hundred and 00/100 Dollars (\$51,500.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142814 which shall be certified against such contract in the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None. Absent: Director Carroll.

Resolution No. 55-04.

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that all bids received on December 11, 2003, for the purchase of an estimated quantity of hand tools & hand held power tools, Item Nos. 2 (other), 3 (other), 4 (Rigid HP, TP, DP, PP, & Reed), 5 (other), 6 (other), 7 (Ladders), and 8 (Greenlee K, N, U, Y & other), for the various divisions of City government, pursuant to the authority of Ordinance No. 884-03, passed by the Council of the City of Cleveland on a June 2, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None. Absent: Director Carroll.

Resolution No. 56-04.

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that all bids received on January 2, 2004, for the purchase of an estimated quantity of labor and materials necessary to refill, repair, and replace fire extinguishers, all Items, for the various divisions of City government, pursuant to the authority of Ordinance No. 2023-03, passed by the Council of the City of Cleveland on a Novem-

ber 10, 2003, be and the same are hereby rejected.

Yeas: None.

Nays: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Absent: Director Carroll.

Resolution No. 57-04.

By Director Konicek.

Be it resolved, by Board of Control of the City of Cleveland that the bid of Independence Excavating, Inc. for the public improvement of rehabilitating and replacing the East 71st Street Area Sewer System (Base Bid Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on December 12, 2003, pursuant to the authority of Ordinance No. 645-03, passed July 16, 2003, upon a unit basis for the improvement, in the aggregate amount of One Million Eight Hundred Ninety-Five Thousand Three Hundred One and 82/100 Dollars (\$1,895,301.82), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

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

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>	<u>WORK</u>
Lee Infrastructure		
MBE	\$280,000.00	(14.77%)
Collinwood Shale		
FBE	\$100,000.00	(5.28%)
American Water Services		\$500,000.00
Carron Asphalt Paving Co.		\$40,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 58-04.

By Director Konicek.

Be it resolved by Board of Control of the City of Cleveland that the bid of Hughes Supply, Inc. for an estimated quantity of ductile iron pipe and fittings for water system maintenance equipment (Items 2, 12, 14, 17-20) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of November, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Twenty Five Thousand Six Hundred Eighty One Dollars and 50/100 Cents (\$125,681.50), is hereby affirmed and approved as

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

Requisition No. 142821

which shall be certified against such contract in the sum of Sixty Thousand Dollars and 00/100 Cents (\$60,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 59-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Julian Supply Company, Inc. for an estimated quantity of ductile iron pipe and fittings for water system maintenance equipment (Items 22-24, 32, 40, 44, 48, 52, 56, 58, 60, 64-69) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of November, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Five Thousand Six Hundred Five Dollars and 60/100 Cents (\$5,605.60) (2% Net 15), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142822

which shall be certified against such contract in the sum of Two Thousand Five Hundred Dollars and 00/100 Cents (\$2,500.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 60-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Richmond Valve & Pipe Co., Inc. for an estimated quantity of ductile iron pipe and fittings for

water system maintenance equipment (Items 3-11, 13, 15, 16, 21, 25-31, 33-39, 41-43, 45-47, 49-51, 53-55, 57, 59, 61-63, 70-130) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of November, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Two Hundred Sixty Six Thousand Three Hundred One Dollars and 58/100 Cents (\$266,301.58) (2% 30, Net 31), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142820

which shall be certified against such contract in the sum of One Hundred Thousand Dollars and 00/100 Cents (\$100,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 61-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of National Waterworks, Inc. for an estimated quantity of ductile iron pipe and fittings for water system maintenance equipment (Item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 21st day of November, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Thousand Five Hundred Forty and 00/100 Dollars (\$1,540.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142824

which shall be certified against such contract in the sum of One Thousand Five Hundred Forty Dollars and 00/100 Cents (\$1,540.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 62-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Richmond Valve & Pipe Co., Inc. for an estimated quantity of pipe repair clamps for water system maintenance equipment (all items) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 3rd day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Fifty-Five Thousand Four Hundred Fifty-Two Dollars and 84/100 Cents (\$155,452.84) (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142823

which shall be certified against such contract in the sum of Sixty Thousand Dollars and 00/100 Cents (\$60,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 63-04.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultant by The Center for Airport Management, LLC, under City Contract No. 60408 for professional services necessary for the enhancement and development of the Concession Program Phase I - III, for the Division of Cleveland Hopkins International Airport, Department of Port Control, authorized by Ordinance No. 710-95, passed on June 12, 1995, and Board of Control Resolution No. 730-02, adopted November 6, 2002, is hereby approved.

Subconsultant	Percentage of Contract	Amount
NBBJ, Inc.	3.2%	\$10,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 64-04.

By Director Ricchiuto.

Whereas, Resolution No. 39-04, adopted by this Board on February 4, 2004, pursuant to the authority of Ordinance No. 837-02 passed by the Council of the City of Cleveland June 10, 2002, authorized the Director of Parks, Recreation and Properties to enter into an agreement with HWH Architects Engineers Planners, Inc. for professional design services necessary for building improvements for the photo lab relocation; and

Whereas, said Resolution No. 39-04 states the incorrect director and department; now, therefore,

Be it further resolved, by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 39-04 adopted February 4, 2004, is amended by replacing "Director of Parks, Recreation, and Properties" with "Director of Public Service" where appearing in the resolution.

Be it further resolved, that all other provisions of Resolution No. 39-04 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 65-04.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 118-05-009, 118-05-010, 118-05-045 (Southeasterly part) under said Land Reutilization Program; and

Whereas, Ordinance No. 2361-03 passed February 2, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Velina L. Mainor has proposed to the City to purchase and develop parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2361-03 passed February 2, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Velina L. Mainor for the sale and development of Permanent Parcel No. 118-05-009, 118-05-010, 118-05-045 (Southeasterly part), as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 66-04.

By Director Ronayne.

Be it resolved by Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., base bid only, for the public improvement of constructing Maplewood Park Concession Facility for the Department of Parks, Recreation and Properties, received on February 13, 2004, pursuant to the authority of Ordinance No. 1264-03, passed July 16, 2003, for a gross price for the improvement in the aggregate amount of Three Hundred Twenty-Eight Thousand Eight Hundred and No/100 Dollars (\$328,800.00) is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by Envirocom Construction Company, Inc. is approved:

RCE Inc.
MBE, 10.04%, \$33,000.00

Tech Ready Mix
MBE, 1.52%, \$5,000.00

Work Best Electric
FBE, 3.65%, \$12,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

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.

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, MARCH 8, 2004

9:30 A.M.

Calendar No. 04-34: 6501-03 Union Avenue (Ward 12)

Jeffrey Oliver, Inc., owner, appeals to change a former service station use to a sales lot for used cars on an approximate 50' x 130' corner lot located in a General Retail Business District on the northeast corner of East 65th Street and Union Avenue at 6501 Union Avenue; contrary to Section 343.11(b)(2)(I)(4) of Business Districts, where a used car lot must maintain a 1 1/2' high barrier at the setback line behind which all vehicles, advertising and parking must be kept and the proposed display area is within the 10' setback and no barrier is proposed; and Section 347.11 of the Specific Uses Regulated, where a used car lot must be 60' in width and 50' is proposed; and contrary to Section 349.04 of the Off-Street Parking and Loading Requirements, there is no space provided for customer parking and 25% of the lot space is required; and contrary to Landscaping and Screening Requirements, there is no landscaping is provided where the lot abuts the street, nor at the rear where the lot abuts a Residential District and a 10' wide transition strip is required as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 04-35: 2266 West 41st Place (Ward 14)

Philip Erb, owner, appeals to erect a three-story, 3,000 s/f single family house on a 30' x 85' parcel located in a B1 Planned Unit Development District on the west side of West 41st Place at 2266 West 41st Place; contrary to the Area District Regulations, where the maximum gross floor area cannot exceed one-half of the lot area in a "B" Area District, and a gross floor area of more than 2,500 s/f is proposed where a maximum gross floor area of 1,275 s/f is permitted, as stated in Section 355.04 of the Codified Ordinances.

Calendar No. 04-36: 16207 Huntmere Avenue (Ward 11)

Fred Brankow, owner, appeals to enclose the second story front porch of a two-family, wood frame dwelling situated on a 40' x 120' parcel located in a Two-Family District on the north side of Huntmere Avenue at 16207 Huntmere Avenue; contrary to the Yards and Courts Regulations, an 8' porch projection is provided, where an enclosed porch may not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 04-38: 579 Eddy Road (Ward 10)

Everlasting Baptist Church, owner, appeals to erect a 39 s/f, 14'-1" high, free-standing illuminated and flashing ID sign at the front area of a 110' x 150' irregular shaped parcel in a Local Retail Business District on the northeast corner of Eddy Road and St. Clair Avenue at 579

Eddy Road; contrary to the Sign Regulations for Retail Districts, the maximum height permitted in a Local Retail Business District is 12' and 14'-1" is proposed and a free-standing ID sign using electronically-changeable copy is not permitted in a Local Retail Business District but first permitted in either a General Retail Business District or a Shopping Center District as stated in Section 350.14(b) of the Codified Ordinances.

Calendar No. 04-39: 14700 Miles Avenue (Ward 1)

Michael S. Sudman, Trustee, owner, and Sprint Sites USA, lessee, appeal to co-locate communication antennas and equipment on an existing 100' telecommunication tower, situated on an acreage parcel in a Semi-Industry District on the southeast corner of East 146th Street and Miles Avenue at 14700 Miles Avenue; contrary to Section 354.06(b) of the Regulations for Wireless Telecommunications Facilities, where no portion of a telecommunication tower shall be located closer to a Residential District line than a distance equal to three times the height of the tower and the existing 100' tower is less than 200' from a One-Family District; and a telecommunication tower lawfully existing on the effective date of Chapter 354 or any amendment thereto may be continued in accordance with the regulations of Section 359.01 of this Code, even if such tower does not conform to the provisions of this Chapter, but that such tower shall not be made more nonconforming unless the alteration is approved by the Board of Zoning Appeals as stated in Section 354.10 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, FEBRUARY 23, 2004

At the meeting of the Board of Zoning Appeals on Monday, February 23, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-341: 1871 West 25th Street

With a Motion for Rehearing granted, Rialto Corporation appealed to expand a nonconforming night club by adding a 1,500 s/f outdoor patio; subject to conditions.

Calendar No. 04-26: 488 East 105th Street

J.C. Green appealed to establish use as a construction material storage yard a 60' x 409' parcel in a Semi-Industry District; subject to a revised plan.

Calendar No. 04-27: 10201 Elk Avenue

J.C. Green appealed to establish use as a construction material storage yard a 211' x 300' parcel in a Semi-Industry District; subject to a revised plan.

Calendar No. 04-28: 14223 Berwyn Avenue

Robert Wathey appealed to enclose a 10' x 24' front porch of a one family dwelling in a Two-Family District.

Calendar No. 04-37: 4001-4141 N. Marginal Road

The City of Cleveland appealed to change to a use as a Class "B" Multiple Dwelling the former Benjamin Davis Aviation High School building located in a General Industry District.

The following appeal was **Postponed:**

None.

The following appeals were **Dismissed:**

Calendar No. 04-24: 2202 Prame Avenue

The Catholic Diocese of Cleveland appealed to change for use as office space a parish dwelling building in a Multi-Family District.

Calendar No. 04-25: 3146 Scranton Road

The Catholic Diocese of Cleveland appealed to change for a use as administrative offices, community meetings, assembly and after school youth programs an existing five-story brick school building in a Local Retail Business District.

On Monday, February 23, 2004, in Executive Session:

The following appeals were heard by the Board on Tuesday, February 17, 2004, and said decisions were approved and adopted in Executive Session on Monday, February 23, 2004:

The following appeal was **Approved:**

Calendar No. 04-29: 13511 Union Avenue

Mt. Pleasant NOW Development Corporation appealed to erect a three-story, 48 unit senior housing building and a 37space parking lot in a General Retail Business District and a Semi-Industry District.

The following appeals were **Denied:**

Calendar No. 04-18: 11113 Fidelity Avenue

Anthony Lusardo appealed to erect a 15'-6" x 21' deck to the rear of a one family dwelling and to install 63 l/f of privacy fence along the eastern perimeter of a 40' x 129' parcel in a Two-Family District.

Calendar No. 04-19: 777 East 143rd Street

Eddie Clark, d.b.a. United Truck & Auto Salvage appealed to establish use as a salvage/auto wrecking yard an acreage parcel in a General Industry District.

The following appeal heard by the Board on December 8, 2003 was adopted and approved:

The following appeal was **Approved:**

Calendar No. 03-317: 5515 Ira Avenue

Cleveland Public Schools appealed to install a 7' x 10' free-standing double-sided bulletin board sign in the side yard of an existing three-story public school building.

Secretary

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

NO MEETING

PUBLIC NOTICE

Consistent with the Charter of the City of Cleveland, the following public notice appeared in The Plain Dealer on February 1, 2004 and February 8, 2004; The Call and Post on February 5, 2004 and February 12, 2004; the City Record on February 18, 2004 and February 25, 2004.

Ordinance No. 2186-03, passed by the Council of the City of Cleveland on December 15, 2003, authorizes the submission to the electors of the City of Cleveland on Tuesday, March 2, 2004, of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, to read as follows:

§116 Police Force; Control by Chief

The Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police for homeland security and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

(a) All officers elected by the people.

(b) All directors of departments.

(c) The Clerk of Council.

(d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.

(e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

(f) The secretary to the mayor and one secretary for each director of a department.

(g) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(h) Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(i) School crossing guards.

(j) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the ordinary unskilled labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the Commission, the fitness of applicants for which may be determined by non-competitive tests.

(c) The ordinary unskilled labor class shall include all ordinary unskilled labor positions for which it is impractical to give competitive tests. Such positions shall be filled from unskilled labor eligible lists established and maintained by the Commission. The Commission shall register applicants for positions in the labor class either continuously or at such times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of such registration shall determine an applicant's place on the eligible list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission. Eligibility to be called for examination following registration shall expire one year following the date of registration.

The Civil Service Commission shall be the sole authority under the Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified service.

Valarie J. McCall
City Clerk, Clerk of Council

February 18, 2004 and February 25, 2004

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, MARCH 3, 2004

Tree Lawn Repair, for various divisions of the Department of Public Utilities, as authorized by Ordinance No. 1153-03, passed by the Council of the City of Cleveland, August 13, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 26, 2004 AT 10:30 A.M., DIVISION OF WATER — METER CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

February 18, 2004 and February 25, 2004

THURSDAY, MARCH 4, 2004

Golf Course Beverages, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING,

FRIDAY, FEBRUARY 27, 2004 AT 11:00 A.M., CITY HALL, DIVISION OF RECREATION, CONFERENCE ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Golf Course Food, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 27, 2004 AT 10:00 A.M., CITY HALL, DIVISION OF RECREATION, CONFERENCE ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 18, 2004 and February 25, 2004

FRIDAY, MARCH 5, 2004

Fertilizer, Pesticide and Seeds for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 26, 2004 AT 1:00 P.M., SENECA GOLF COURSE, 975 METRO VALLEY PKWY., BROADVIEW HEIGHTS, OHIO 44147.

Cushman Equipment Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 26, 2004 AT 2:00 P.M., SENECA GOLF COURSE, 975 METRO VALLEY PKWY., BROADVIEW HEIGHTS, OHIO 44147.

Jacobsen Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 26, 2004 AT 1:30 P.M., SENECA GOLF COURSE, 975 METRO VALLEY PKWY., BROADVIEW HEIGHTS, OHIO 44147.

Toro Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2092-03, passed by the Council of the City of Cleveland, January 26, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 26, 2004 AT 1:30 P.M., SENECA GOLF COURSE, 975 METRO VALLEY PKWY., BROADVIEW HEIGHTS, OHIO 44147.

February 18, 2004 and February 25, 2004

FRIDAY, MARCH 12, 2004

Sodium Hypochlorite Solution, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 27, 2004 AT 1:00 P.M., CROWN WATER TREATMENT PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

February 18, 2004 and February 25, 2004

THURSDAY, MARCH 11, 2004

Superior Avenue Street Scape Improvement Between East 18th Street and East 30th Street, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 867-2000, passed by the Council of the City of Cleveland, June 19, 2000.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MARCH 4, 2004 AT 2:00 P.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

FRIDAY, MARCH 12, 2004

Hazardous and Non-Hazardous Waste Disposal and Environmental Equipment and Supplies, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2316-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, FRIDAY, MARCH 5, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

WEDNESDAY, MARCH 17, 2004

Accessories and Equipment for Upfitting a Cargo Van, for various divisions of the Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, MARCH 8, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Utility Service Body and 50' Aerial Device, for various divisions of the Department of Public

Service, Parks, Recreation and Properties, and Public Safety, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, MARCH 8, 2004 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Citywide Scrap Metal Sales for Paper-Insulated Lead Covered Copper Cable, for various divisions of City Government, Department of Finance, as authorized by Section 181.18, of the Codified Ordinances of Cleveland, Ohio, 1976.

February 25, 2004 and March 3, 2004

THURSDAY, MARCH 18, 2004

Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, MARCH 11, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

High Voltage Switch Gear, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, FRIDAY, MARCH 12, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 25, 2004 and March 3, 2004

FRIDAY, MARCH 19, 2004

Labor & Materials to Repair Water Mains-Area: East, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2311-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MARCH 5, 2004 AT 1:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 210-04.**By Council Member Britt.****An emergency resolution objecting to a New C1 Liquor Permit at 2603 Woodhill Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Ibal, Inc., 2603 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4118409; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Ibal, Inc., 2603 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4118409, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Adopted February 9, 2004.

Effective February 13, 2004.

Res. No. 211-04.**By Council Member Cimperman.****An emergency resolution withdrawing objections to the renewal and transfer of stock of a D5 and D6 Liquor Permit at 4829 Superior Avenue and repealing Resolution Nos. 1624-02 and 2460-03, objecting to said renewal and transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 4829 Superior Avenue by Resolution No. 1624-02 adopted by the Council on August 14, 2002 and Resolution No. 2460-03 adopted by the Council on December 15, 2003; and

Whereas, this Council wishes to withdraw its objections to the above renewal and transfer of stock and consents to said renewal and transfer of stock based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph Cimperman and Applicant, Inchl Kim, Vice President of SCS Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objections to a D5 and D6 Liquor Permit to SCS Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 be and the same is hereby withdrawn and Resolution Nos. 1624-02 and 2460-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and 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 February 9, 2004.

Effective February 13, 2004.

Res. No. 212-04.**By Council Member White.****An emergency resolution declaring this Council's support of the proposal of the NRC Group, LLC for the Union Miles Homes IV Housing Tax Credit Development to the Ohio Housing Finance Agency for the use of low-income housing tax credits.**

Whereas, each year the Ohio Housing Finance Agency allocates

housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the NRC Group, LLC is proposing to develop up to 40 single family homes on scattered sites in the Union Miles Neighborhood of Cleveland; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 20% of these housing units will serve a special needs population, specifically households with a member or members having mobility and/or sensory impairment; and

Whereas, the NRC Group LLC proposal will benefit the citizens of the City; 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 declares its support of the proposal of the NRC Group, LLC for the Union Miles Homes IV Housing Tax Credit Development to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the project owner of the NRP Group LLC at 5309 Transportation Boulevard, Cleveland, 44125.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2136-03.**By Council Member Jackson (by departmental request).****An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to study, assess, market, and sell corporate sponsorships for City facilities and assets.**

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 Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of providing professional services necessary to study, assess, and develop a request for proposal for marketing and selling corporate sponsorships for City facilities and assets.

Section 2. That the Director of Finance is authorized to employ by contract or contracts one or more

consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to market, negotiate and sell corporate sponsorships for City facilities and assets.

Section 3. The selection of the consultant or consultants or firms of consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultant or consultants or firms of consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling the lists. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law and approved and certified by the Director of Finance. That the contract or contracts authorized by this ordinance shall include a term stating that the consultant or consultants shall not consider changing the name of any neighborhood in the City for purposes of corporate sponsorships.

Section 4. That the cost of authorized contracts shall be paid from the fund or funds appropriated for the use of the various departments in City government responsible for managing the City facilities and assets marketed under the contracts.

Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation, and Properties is authorized to enter into one or more amendments to City Contract No. 56140 ("Concession Agreement") between the City of Cleveland and Lum's Vending and Food Service, Inc. and Cleveland Coca-Cola Bottling Company, Inc., a Joint Venture, to extend the term of the Concession Agreement until the earlier of: (a) the City enters into a corporate sponsorship agreement for soft drinks, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings, or (b) the City enters a new concession agreement for soft drinks, candy, snack, and other vending machines throughout City parks and various City-owned and City-leased buildings under the authority of Ordinance No. 39-03, passed by Cleveland City Council on May 12, 2003. That if the Director enters into any amendments to the Concession Agreement, the term of the Concession Agreement, as amended, shall not exceed December 31, 2004.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2142-03.
By Council Members Polensek, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving The Collinwood Community Center of the Department of Community Development; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving The Collinwood Community Center of the Department of Community Development ("Improvement"), for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, and 01-400100-693000, Request No. 115225.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2143-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall ("Improvement"), for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several depart-

ments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, and 01-400100-693000, Request No. 115227.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2145-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Safety facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Safety facilities ("Improvement"), for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bid-

ders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, and 01-400100-693000, Request No. 115224.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2146-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities ("Improvement"), for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 183, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, and 01-400100-693000, Request No. 115226.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2227-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Bennington Avenue and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and reconstructing Bennington Avenue between West 130th Street and the easterly end, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 138348.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2241-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Lakeside Avenue and Van Aken Boulevard and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating Lakeside Avenue between West 9th Street and East 9th Street and Van Aken Boulevard between Shaker Boulevard and Buckeye Road, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 138349.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2329-03.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide a completed project; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide

a completed project, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 166, 14 SF 026, 14 SF 028, 14 SF 029, 10 SF 057, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 138369)

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 2330-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating West 105th Street between Lorain Avenue and Bellaire Road; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating West 105th Street between Lorain Avenue and Bellaire Road, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 445, 52 F 001, 54 SF 001, and 58 SF 001, Request No. 138366.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2333-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the Euclid corporation line; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to enter into a Local Project Administration Agreement with the Ohio Department of Transportation regarding the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the Euclid corporation line, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible

bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Service is authorized to enter into a Local Project Administration Agreement with the Director of Transportation necessary to fund and construct the improvement.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 443, 52 SF 001, 54 SF 001, 58 SF 001, and from the fund or funds to which are credited the proceeds of funds received under the Local Project Administration agreement, Request No. 138364.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2334-03.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Grayton Road between Puritas Avenue and the I-480 bridge; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating Grayton Road between Puritas Avenue and the I-480 bridge, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder

or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 444, 52 SF 001, 54 SF 001, and 58 SF 001, Request No. 138367.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2426-03.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cognos Corporation for the acquisition of one or more licenses for a financial information budgeting system and to upgrade and migrate the system, including but not limited to installation, design, training, testing, technical support, and software maintenance through September 18, 2007.

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 contracts with Cognos Corporation for professional services necessary for the acquisition of one or more licenses for a financial information budgeting system and to upgrade and migrate the system, including but not limited to installation, design, training, testing, technical support, and software maintenance through September 18, 2007 on the basis of its proposal dated November 24, 2003, in the total sum of \$148,053.35, for the Division of Water, Department of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 143086.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2431-03.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from American Public Power Association for the Case Western Reserve University North Residential Village Combined Cooling and Heating Program; and authorizing one or more contracts with Case Western Reserve University to implement 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 Director of Public Utilities is authorized to apply for and accept a grant in the amount of \$20,000, from American Public Power Association to conduct the Case Western Reserve University North Residential Village Combined Cooling and Heating Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and grant agreement for the grant contained in the file described below.

Section 2. That the award letter and grant agreement for the grant, File No. 2431-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Utilities is authorized to enter into one or more contracts with Case Western Reserve University to implement the program as described in the file.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 2433-03.

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

An emergency ordinance to amend Section 6 of Ordinance No. 482-02, passed May 13, 2002, relating to the public improvement of rehabilitating a portion of Kinsman Road between East 93rd Street and the eastern corporation line.

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 6 of Ordinance No. 482-02, passed May 13, 2002, is amended to read as follows:

Section 6. That the cost of the improvement and services autho-

rized shall be paid from Fund Nos. 10 SF 166, 11 SF 006, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 52 SF 001, 54 SF 001, 58 SF 001, from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2002 authorized for this purpose, from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and are appropriated for this purpose, and from the fund or funds to which are credited the proceeds of the Ohio Public Works Commission grant authorized by Ordinance No. 1857-01.

Section 2. That existing Section 6 of Ordinance No. 482-02, passed May 13, 2002, 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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 3-04.

By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various equipment for the Division of Fire, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of hoses, nozzles, fittings, various emergency medical equipment, various types of small, safety, and rescue equipment, thermal imaging cameras, various types of appliances, an accountability system, and a records management system, including hardware, software, and peripherals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 133738)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 4-04.

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

An emergency ordinance determining to proceed to provide additional security for the Cleveland Theater District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing in the District in the City of Cleveland; adopting the assessments; and levying the assessments.

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 determined to proceed to provide additional security for the Cleveland Theater District, clean and maintain the public rights-of-way and Star Plaza within the District and collectively market the District (collectively, "District Services") in the Cleveland Theater District as established in Resolution No. 2094-03, adopted November 24, 2003 ("the Resolution of Necessity").

Section 2. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and estimates previously approved and filed in the office of the Clerk of Council.

Section 3. That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

Section 4. That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner, and number of installments as provided for in the Resolution of Necessity.

Section 5. That the list of assessments for the cost of the District Services reported to this Council and now on file in the office of the Clerk of Council, and aggregating \$1,600,000 are adopted and confirmed as final assessments.

Section 6. That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the Cleveland Theater District, as described in the Resolution of Necessity, are calculated using the 2003 real property valuations as determined by the County Auditor and certified by the State of Ohio as of the date of introduction of this ordinance. No subsequent change in any such valuation will be considered in making this calculation.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City within thirty (30) days after the passage of this ordinance. The second through fifth annual installments shall be payable in cash within thirty (30) days after each of the next four anniversaries of the date of passage of this ordinance. All assessments and installments which have not been paid at the expiration of the respective thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 10. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of this Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

Section 12. That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 13. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 14. 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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 64-04.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to upgrade and interconnect traffic signals at three intersections located in the Cities of Cleveland and Shaker Heights.

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 consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation: to upgrade and interconnect the traffic signals at the intersections of Lee Road and Scottsdale Boulevard; Van Aken Boulevard and South Woodland Road; and North Moreland, Kemper Road, and Larchmere Boulevard, located both in the Cities of Cleveland and Shaker Heights (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the Director of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any item, included in the construction contracts at the request of the City, which are determined by the Director of Transportation to be ineligible or unnecessary for the Improvement.

Section 3. That the Director of Public Service is authorized to enter into agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

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 and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the rights-of-way.

Section 5. (a) That all existing streets and public rights-of-way

within the City necessary for the Improvement shall be made available for the Improvement.

(b) That the City agrees that all rights-of-way required for the Improvement will be acquired and/or made available under current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities on the rights-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 City agrees to allow the City of Shaker Heights to act as contractual agent for the Improvement.

Section 8. That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 94-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more agreements with the Cleveland Municipal School District, the Cleveland Public Libraries, and other entities to allow the placement and maintenance of City recycling bins on their properties.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service is authorized to enter into one or more agreements with the Cleveland Municipal School District, the Cleveland Public Libraries, and other entities to allow the City to place and maintain recycling bins on their properties.

Section 2. That the agreements shall be prepared by the Director of Law and shall contain terms and conditions as the Directors of Law and Public Service deem necessary to protect and benefit the public interest and that the agreements with public entities shall contain a provision that the City shall indemnify them against any injury, accident, or loss caused by the City's use of their properties or the City's

nonperformance of its obligations under the agreements.

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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 116-04.

By Mayor Campbell and Council Member Brady.

An emergency ordinance to amend Sections 191.0318, 191.0501, 191.0901, and 191.1102, as amended by various ordinances, relating to including lottery and gambling winnings into the definition of taxable income, rate and taxable income, sources of income not taxed, and form and content of return.

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

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

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 191.0318, as amended by Ordinance No. 2393-03, passed November 28, 1966,

Section 191.0501, as amended by Ordinance No. 1619-80, passed

Section 191.0901, as amended by Ordinance No. 78-78, passed March 20, 1978, and

Section 191.1102, as amended by Ordinance No. 2393-03, passed November 28, 1966, are amended to read as follows:

Section 191.0318 Taxable Income

"Taxable income" means any and all income or compensation earned or received by an individual or an entity from whatever source before any deduction, that the City is not prohibited from taxing by federal law or state law, or that is not specifically exempted under Section 191.0901 of this chapter. Taxable income shall include, but not be limited to wages, salaries, commissions, profits, fees, lottery winnings and winnings from any and all types of gambling. Taxable income shall include the net profits from the operation of a business, profession, or other enterprise or business activity. Taxable income shall be adjusted in accordance with the provisions of this chapter and any rules and regulations duly adopted under this chapter.

Section 191.0501 Rate and Taxable Income

For the purposes specified in Section 191.0101, on and after January 1, 1967, an annual tax of one-half of one percent (0.5%) per annum shall be imposed upon the hereinafter specified income; provided that on an after July 1, 1968, the rate of tax shall be a total of one percent (1%) per

annum; and that on and after March 1, 1979, the rate of such tax shall be a total of one and five-tenths percent (1.5%) per annum; and that on and after January 1, 1981, the rate of tax shall be two percent (2%) per annum. Such tax shall be imposed upon the following income:

(a) All wages, salaries, commissions, profits, fees, lottery winnings, winnings from any and all types of gambling, and other compensation earned or received by a resident of the City from whatever source on or after January 1, 1967 that the City is not prohibited from taxing by federal law or state law, or that is not specifically exempted under Section 191.0901 of this chapter, all as adjusted in accordance with the provisions of this chapter and any rules and regulations duly adopted under this chapter;

(b) All salaries, wages, commissions, and other compensation earned on and after January 1, 1967, by nonresidents of the City for work done or services performed or rendered within the City;

(c) (1) The portion attributable to the City on the net profits earned on and after January 1, 1967, of all resident unincorporated business entities or professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City;

(2) The portion of the distributive share of the net profits earned on and after January 1, 1967, of a resident partner or owner of a resident unincorporated business entity not attributable to the City and not levied against such unincorporated business entity;

(d) (1) On the portion attributable to the City of the net profits earned on or after January 1, 1967, of all nonresident unincorporated business entities, professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City, whether or not such unincorporated business entity has an office or place of business in the City.

(2) On the portion attributable to the City of the net profits earned on and after January 1, 1967, of all corporations derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City, whether or not such corporations have an office or place of business in the City.

Section 191.0901 Sources of Income Not Taxed

The tax provided for in this chapter shall not be levied on the following:

(a) Pay or allowance of active members of the armed forces of the United States or the income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities;

(b) Poor relief, unemployment insurance benefits, old age pensions or similar payments, including dis-

ability benefits received from local, State or Federal governments or charitable, religious, or educational organizations;

(c) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived;

(d) Receipts from seasonal or casual entertainment, amusements, sports events, and health and welfare activities when any such are conducted by bona fide charitable, religious, or educational organizations and associations;

(e) Alimony received;

(f) Personal earnings or any natural person under eighteen years of age;

(g) Compensation for personal injuries or for damages to property by way of insurance of otherwise;

(h) Interest, dividends, and other revenue from intangible property subject to the Ohio Intangible Property Tax or specifically exempted therefrom, provided, however, that this exemption does not apply to lottery, and all gambling winnings from any and all types of gambling;

(i) Gains from involuntary conversion, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State which the City is specifically prohibited from taxing, and income of a decedent's estate during the period of administration, except such income from the operation of a business;

(j) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce;

(k) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State or any act of the Ohio General Assembly limiting the power of the City to impose net income tax.

Section 191.1102 Form and Content of Return

The return shall be filed with the Administrator on a form furnished by or obtainable upon request from such Administrator, setting forth:

(a) The aggregate amounts of salaries, wages, commissions, profits, fees, lottery winnings, winnings from any and all types of gambling, other compensation, and other income earned or received, and gross income from business, profession, or other enterprise or business activity, less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to the tax;

(b) The amount of the tax imposed by this chapter on such earnings and profits; and

(c) Such other pertinent statements, information, returns, or other information as the Administrator may require.

Section 2. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 191.0318, as amended by Ordinance No. 2393-03, passed November 28, 1966,

Section 191.0501, as amended by Ordinance No. 1619-80, passed

Section 191.0901, as amended by Ordinance No. 78-78, passed March 20, 1978, and

Section 191.1102, as amended by Ordinance No. 2393-03, passed November 28, 1966, 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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 205-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2003 Urban Area Security Initiative Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing agreements with the County of Cuyahoga and the American Red Cross Greater Cleveland Chapter.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$2,855,087.00, from the County of Cuyahoga to conduct the 2003 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That the award letter and other documents for the grant, File No. 205-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of training, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for

each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

Section 5. That, in addition, the sum of not more than \$38,000 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

Section 6. That the costs of the contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 7. That The Director of Public Safety is authorized to enter the following agreements with the following entities in the amounts specified for purposes of implementing the grant as described in the file:

County of Cuyahoga	\$518,208.00
American Red Cross Greater Cleveland Chapter	\$ 15,000.00

Section 8. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an

increase in the dollar amount of the grant specified above.

Section 9. That the contractual authority authorized by this ordinance is intended to authorize only the purchase of the categories of equipment identified in the letter from Mr. Withrow to Mr. Draper dated January 26, 2004 and supporting documents contained in the above-mentioned file, and to implement the services and programs described in the file. Additional legislative authority shall be required to enter into contract for any items of equipment, or for any services or programs, not identified in the file.

Section 10. 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 February 9, 2004.

Effective February 13, 2004.

Ord. No. 206-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2003 State Homeland Security Grant Program, Part II; and authorizing one or more requirement contracts for the purchase of vehicles, equipment, and services necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$1,089,511.00, from the County of Cuyahoga to conduct the 2003 State Homeland Security Grant Program, Part II; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and other documents for the grant contained in the file described below.

Section 2. That the award letter and other documents for the grant, File No. 206-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of vehicles, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by

separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the costs of the contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 7. That the contractual authority authorized by this ordinance is intended to authorize only the purchase of the categories of equipment identified in the letter from Mr. Withrow to Mr. Draper dated January 26, 2004 and supporting documents contained in the above-mentioned file, and to implement the services and programs described in the file. Additional legislative authority shall be required to enter into contract for any items of equipment, or for any services or programs, not identified in the file.

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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 207-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance to amend Section 2 of Ordinance No. 1501-03, passed December 15, 2003, relating to authorizing the Director of Community Development to expend funds and to enter into contracts for the implementation of homeless

assistance activities and with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

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 2 of Ordinance No. 1501-03, passed December 15, 2003, is amended to read as follows:

Section 2. That the aggregate cost of the contracts authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,773,000.00 and shall be paid from Fund Nos. 13 SF 981, 14 SF 028 and 14 SF 029, Request No. 125748.

Section 2. That existing Section 2 of Ordinance No. 1501-03, passed December 15, 2003, 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 February 9, 2004.
Effective February 13, 2004.

Ord. No. 209-04.
By Council Member Pierce Scott.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 as it pertains to the New Fellowship Missionary Baptist Church After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Fellowship Missionary Baptist Church for an After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the New Fellowship Missionary Baptist Church for the After-school Leaders of Tomorrow Program for the public purpose of providing remedial education to Cleveland school children that have educational deficiencies through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1988-03, passed October 13, 2003 are hereby repealed.

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

Passed February 9, 2004.
Effective February 13, 2004.

**COUNCIL COMMITTEE
MEETINGS**

Thursday, February 19, 2004
General Fund Budget Hearings
9:00 a.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

Friday, February 20, 2004
General Fund Budget Hearings
9:00 a.m.

Finance Committee: Present in Finance: Sweeney, Vice Chair; Brady, Britt, Pierce Scott, Coats, Gordon, Reed, Westbrook. *Authorized Absence:* Jackson, Chair; White, O'Malley.

Monday, February 23, 2004
9:30 a.m.

Health & Human Services Committee: Present in Health: Britt, Chair; Zone, Vice Chair; Conwell, Sweeney, Pro-Tem. *Authorized Absence:* Cintron, Gordon, Pierce Scott, Polensek.

2:00 p.m.

Finance Committee: Present in Finance: Sweeney, Vice Chair; Brady, Britt, Pierce Scott, White, O'Malley, Gordon, Westbrook. *Authorized Absence:* Jackson, Chair; Reed, Coats.

Tuesday, February 24, 2004
9:30 a.m.

Community & Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

Wednesday, February 25, 2004
10:00 a.m.

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Cintron, Jones, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Brady.

1:30 p.m.

City Planning (Zoning) Committee: Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

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O—Ordinance; R—Resolution; F—File
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