

# The City Record

Official Publication of the Council of the City of Cleveland



---

June the Twenty-Third, 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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	4
Civil Service	6
Board of Zoning Appeals	6
Board of Building Standards and Building Appeals	7
Public Notice	8
Public Hearings	8
City of Cleveland Bids	8
Adopted Resolutions and Ordinances	9
Committee Meetings	52
Index	53

# 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, Chief Operating Officer  
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 – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL** – John C. Mok, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC SERVICE** – Mark Ricchiuto, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – 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** – Daryl Rush, Director, 3rd Floor, City Hall  
DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner  
Neighborhood Development – Joseph A. Sidoti, Commissioner

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

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

**DEPT. OF ECONOMIC DEVELOPMENT** – \_\_\_\_\_, Director, Room 210

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

**DEPT. OF CONSUMER AFFAIRS** – Kenya Taylor, Director

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

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

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

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members; 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, Janet 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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, JUNE 23, 2004

No. 4724

## CITY COUNCIL

MONDAY, JUNE 21, 2004

### The City Record

Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland

The City Record is available  
online at

[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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

NO MEETING

### THE CALENDAR

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

**Ord. No. 160-04.**  
**By Council Members O'Malley, Gordon, Cimperman and Jackson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 7010-14 Memphis Avenue to Rysar Properties, Inc., or its designee.**

Whereas, the Director of Community Development has requested the sale of the City-owned property to Rysar Properties, Inc., or its designee (the "Redeveloper") no longer needed for public use and located at 7010-14 Memphis Avenue; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

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

P. P. No. 013-11-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W., (86 feet wide), at the Southwesterly corner of Sublot No. 552 in The Ridge Road Land Company's Ridgeview Manor Subdivision of part of Original Brooklyn Township Lot No. 37, as shown by the recorded plat in Volume 79 of Maps, Page 1 Page Cuyahoga County Records, said place of beginning being also a Northeasterly corner of a parcel of land conveyed to the City of Cleveland by deed dated February 19, 1936, and recorded in Volume 4602, Page 141 of Cuyahoga County Records, for the purpose of widening Memphis Avenue, S.W.; thence Westerly along the Northerly line of said parcel so conveyed to the City of Cleveland, 50 feet; thence Northerly parallel with the Westerly line of said Sublot No. 552, 127.16 feet; thence Easterly parallel with the Northerly line of said parcel so conveyed to the City of Cleveland 50 feet to the Northwesterly corner of said Sublot No. 552; thence Southerly along the Westerly line of said Sublot No. 552, 127.16 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 013-11-159 (Easterly part)  
(Parcel No. 1)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning at an iron monument on the Northerly line of Memphis Avenue, Southwest, 86 feet wide, distant Easterly along said Northerly line, 152 feet from the intersection with the Easterly line of West 73rd Street, 86 feet wide; thence from said point of beginning Easterly along said Northerly line of Memphis Avenue, S.W., 50 feet to an iron monument; thence Northerly parallel with said Easterly line of West 73rd

Street, 127.16 feet to an iron monument; thence Westerly parallel with said Northerly line of Memphis Avenue, S.W., 50 feet; thence Southerly parallel with said Easterly line of West 73rd Street, 127.16 feet to the place of beginning, according to a survey dated July 31, 1940, by E.C. Hoffman, Registered Surveyor, be the same more or less, but subject to all legal highways.

P. P. No. 013-11-159 (Westerly part)  
(Parcel No. 2)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W. (86 feet wide) at the Southeasterly corner of land conveyed to Andrew Skintek by deed dated October 21, 1953 and recorded in Volume 7883, Page 315 of Cuyahoga County Records; thence Easterly along the Northerly line of Memphis Avenue, S.W. 77 feet to the Southwesterly corner of Parcel No. 1 conveyed to Alex Fodor by deed dated March 29, 1954 and recorded in Volume 8031, Page 486 of Cuyahoga County Records; thence Northerly along the Westerly line of Parcel No. 1 so conveyed 127.16 feet; thence Westerly and parallel with the Northerly line of Memphis Avenue, S.W., 77 feet to an Easterly line of land so conveyed to Andrew Skintek as first aforesaid; thence Southerly along an Easterly line of land so conveyed, 127.16 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting therefrom, the following described premises, to wit: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 37 and bounded and described as follows:

Beginning on the Northerly line of Memphis Avenue, S.W., 86 feet wide, at the Southeasterly corner of a parcel of land conveyed to Andrew Skintek by deed dated October 21, 1953 and recorded in Volume 7883, Page 315 of Cuyahoga County Records; thence Easterly 52.50 feet along the said Northerly line of Memphis Avenue, S.W. to a point; thence Northerly 127.16 feet parallel with the Easterly line of land as conveyed to Andrew Skintek to a point; thence Westerly 52.50 feet parallel with the said Northerly line of Memphis Avenue, S.W. to a point in the Easterly line of land conveyed to Andrew Skintek as aforesaid; thence Southerly 127.16 feet along the Easterly line of land so conveyed to Andrew Skintek to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 3.** That the conveyance shall be made by official deed pre-

pared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That the proceeds from the sale of the property described in Section 1 shall be credited to the Ward 16 Neighborhood Equity Fund, 10 SF 166.

**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.

## BOARD OF CONTROL

June 16, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 16, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Hruba, Director Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Directors Huth, Directors Fumich and Williams.

Absent: Director Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Collette Appolito, Acting Director, Office of Equal Opportunity.

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

### Resolution No. 367-04.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 19, 2004 for Hazardous and Non-Hazardous Waste Disposal and Environmental Equipment & Supplies (Item 17) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 2316-03, passed by Council of the City of Cleveland on December 15, 2003 are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Hruba, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

### Resolution No. 368-04.

By Director Mok.

Be it resolved by the Board of Control of City of Cleveland that, under the authority of Ordinance Nos. 2380-02 and 468-04, passed by the Council of the City of Cleveland on December 16, 2002 and April 26, 2004, the firm of LaCosta Consulting Group,

Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to prepare air planning studies for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with LaCosta Consulting Group, Inc. based upon its proposal dated March 23, 2004, provided that the compensation to LaCosta Consulting Group, Inc. for the services authorized shall not exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Director Horvath, Hruba, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

### Resolution No. 369-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 1217-03, passed on September 22, 2003, and Board of Control Resolution No. 237-04, adopted April 28, 2004, this Board affirmed and approved R. E. Warner & Associates, Inc. ("Consultant") as the firm most qualified to provide professional engineering services on an as needed basis at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 237-04, adopted April 28, 2004, is amended to approve the employment of the following subconsultant by R. E. Warner & Associates, Inc.:

#### Subconsultant

	Percentage of Contract	Amount
Professional Services Industries, Inc. 10%		\$15,000.00

Be it further resolved that all other provisions of said Resolution No. 237-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Hruba, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

### Resolution No. 370-04.

By Director Ricchiuto.

Whereas, under authority of Ordinances Nos. 482-02, 1530-02, and 990-03 passed by the Cleveland City Coun-

cil on May 13, 2002, November 25, 2002, and June 10, 2003, respectively, this Board of Control, by its Resolution No. 166-04 adopted March 24, 2004, approved Perk Company, Inc. as lowest responsible bidder for the public improvement of reconstructing Kinsman Road between East 93rd Street and the Eastern corporation line, for the Division of Engineering and Construction, Department of Public Service, in the aggregate amount of \$10,222,773.65; and

Whereas, the Perk Company wishes to use the services of additional subcontractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Perk Company, Inc. for the aforementioned public improvement contract is approved:

- Fabrzi Trucking & Paving Co., Inc.  
\$1,670,000.00 — 16.336%
- Doan/Pyramid Electric  
\$914,694.00 — 8.948%
- Trafftech Inc.  
\$191,500.00 — 1.873%
- Pavement Technology, Inc.  
\$174,969.00 — 1.712%
- East Ohio Grass Co. Inc.  
\$94,882.00 — 0.928%
- Schloss Paving Co.  
\$27,530.00 — 0.269%

Yeas: Mayor Campbell, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 371-04.**

By Director Ricchiuto.  
Whereas, by Resolution No. 215-04, adopted April 14, 2004, under authority of Ordinance No. 1257-03 passed by the Cleveland City Council on July 16, 2003, this Board of Control affirmed and approved Northwest Services, Inc. as the lowest and best bidder for various size roll-off dumpster containers, Group B, Item Nos. 1-4; and

Whereas, by Resolution No. 214-04, adopted April 14, 2004, under authority of Ordinance No. 1257-03 passed by the Cleveland City Council on July 16, 2003, this Board of Control affirmed and approved Refuse Equipment and Truck Service, Inc. as the lowest and best bidder for various size front-end loader containers, Group A, Item Nos. 1-5, including freight; and

Whereas, each bidder notified the City that it would not enter into contract for the items approved because the Board of Control did not make its award by the second regular meeting of the Board after opening of bids, as Section B-6, General Conditions, *Time of Award*, provides, and because steel prices and transportation costs had risen substantially since it submitted its bid; now, therefore,

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

No. 215-04, affirming and approving Northwest Services, Inc. as lowest and best bidder for various size roll-off dumpster containers, and No. 214-04, affirming and approving Refuse Equipment and Truck Service, Inc. as lowest and best bidder for various size front-end loader containers, both adopted April 14, 2004, are rescinded.

Be it further resolved by the Board of Control that all bids received November 12, 2003 for front-end loaders and roll-off containers, for the Division of Waste Collection, Department of Public Service, under authority of Ordinance No. 1257-03, passed by the Council of the City of Cleveland on July 16, 2003, are rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 372-04.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of William Wolf and Co. for an estimated quantity of automotive paints and supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on May 5, 2004, pursuant to the authority of Ordinance No. 1973-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Forty Eight Thousand and no/100 Dollars (\$48,000.00) (2% 10 Days, Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130365 which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 373-04.**

By Director Ronayne.  
Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 242-04 adopted April 28, 2004, authorizing the Director of Parks, Recreation and Properties to enter into a requirement contract with Cleveland

Coca-Cola Bottling Company, Inc. for an estimated quantity of beverages in the amount of Seventy Thousand and 00/100 Dollars (\$70,000.00) is hereby amended by deleting the term "for a period of two years beginning with date of execution of a contract" and substituting therefor "for a period of one year beginning with the date of execution of a contract".

Be it further resolved that said resolution is hereby amended by deleting "Seventy Thousand and 00/100 Dollars (\$70,000.00)" and substituting "Thirty-Five Thousand and 00/100 Dollars (\$35,000.00)".

Be it further resolved that all other terms and provisions of said Resolution No. 242-04 not hereby amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.  
Absent: Director Taylor.

**Resolution No. 374-04.**

By Director Ronayne.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Al's High Tech, Inc., d.b.a. Al's Electric Motor Service for an estimated quantity of electric motors and pumps, all items or the Division of Property Management, Department of Parks, Recreation and Properties for the period of two (2) years beginning with the date of execution of a contract received on April 23, 2004, pursuant to the authority of Ordinance No. 1889-03, passed October 27, 2003, which on the basis of the estimated quantity would amount to One Hundred and Sixty Thousand 00/100 Dollars (\$160,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is 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. 147888 which shall be certified against such contract in the sum of Thirty Thousand 00/100 Dollars (\$30,000.00).

The 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 the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractor by Al's High Tech, Inc., d.b.a. Al's Electric Motor Service is approved:

Subcontractor	DBE/MBE/FBE %	Amount
Jay's Boom Truck	N/A — 3.00%	\$4,800.00
Tiffany Electric	FBE — .80%	\$1,280.00
Lakeland Electric	FBE — 1.40%	\$2,240.00

Yeas: Mayor Campbell, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

**Resolution No. 375-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of First Energy Solutions Corp., except for such terms and conditions as are not acceptable to the Director of Law, for the sale of an estimated quantity of natural gas, all items, for the various divisions of City government, for the period of one (1) year beginning August 1, 2004, with an option to renew for an additional one (1) year term beginning August 1, 2005, received on June 9, 2004, under the authority of Ordinance No. 832-04 passed May 17, 2004, which on the basis of the estimated quantity would amount to Two Million Three Hundred Forty-Nine Thousand Nine Hundred Sixty-Two and 90/100 Dollars (\$2,349,962.90), is affirmed and approved as the lowest and best bid, and the Director of Finance is 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. 153163

which shall be certified against such contract in the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00).

The 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 the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Horvath, Hruby, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

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**

**TUESDAY, JULY 6, 2004**

**9:30 A.M.**

**Calendar No. 04-137:** 11113 Fidelity Avenue (Ward 19)

Cheryl Lusardo, owner, appeals to erect a 23' x 23' wolmanized wooden deck to the rear of an existing one family dwelling, situated on a 41' x 121' parcel located in a Two-Family District on the south side of Fidelity Avenue at 11113 Fidelity Avenue; contrary to Section 357.09(2)(b) of the Requirements for Yards and Courts, no distance is proposed for the interior side yard and a minimum interior side yard of 3' is required, and the aggregate of both side yards shall not be less than a total of 10' and 9'6" is proposed; and a distance of 8' is proposed where no building shall be less than 10' from a main building on an adjoining lot as stated in Section 357.09(2)(A) of the Codified Ordinances.

**Calendar No. 04-138:** 4798 Clark Avenue (Ward 14)

Yousif Hamdeh, owner, appeals to establish use as a tattoo/body piercing business an existing one-story masonry building, situated on a 75' x 123' parcel in a Semi-Industry District on the northeast corner of Clark Avenue and West 48th Street at 4798 Clark Avenue; contrary to the requirements for Specific Uses Regulated, the proposed use abuts a Residential District to the rear; it is +400' from Train Park; +750' from Thomas Jefferson Junior High School and Playground; and +850' from Clark Elementary School and Playground, and a tattoo/body piercing use may not be established within 1000' of a Residence, District, school or playground as stated in Section 347.12(b)(1) of the Codified Ordinances.

**Calendar No. 04-139:** 5718 Bridge Avenue (Ward 17)

Norma Rodriguez, owner, appeals to change a mixed use, two-story brick building from a store and one dwelling unit to a restaurant and one dwelling unit, situated on a 36' x 84' parcel in a Two-Family District on the north side of Bridge Avenue at 5718 Bridge Avenue; contrary to Section 337.03, where a restaurant is not permitted in a Two-Family District but first allowed in a Local Retail Business District, and the proposed substitution of a restaurant for the

nonconforming store is subject to the provisions under Section 359.01, which require that the substitution be approved by the Board of Zoning Appeals; and contrary to Section 349.04(b) of the Off-Street Parking and Loading Requirements, there may be one or three parking spaces provided in an existing garage and six parking spaces are required, one for the dwelling unit and five for the restaurant, and the Board of Zoning Appeals is limited in its power to allow uses other than those listed in the Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such lot is located, as stated in Section 329.03(d)(3) of the Codified Ordinances.

**Calendar No. 04-140:** Appeal of Mahad Mohamed Hack License Revocation

Mahad Mohamed appeals under Section 76-6 of the Charter of the City of Cleveland from the revocation of a City of Cleveland Hack License by the Commissioner of Assessments and Licenses, pursuant to the facts assembled from the details of an incident at Cleveland Hopkins International Airport on April 25, 2004.

**Calendar No. 04-141:** 14222 Westropp Avenue (Ward 10)

Cleveland Housing Network, owner, and Rysar Properties, agent, appeal to erect a 22' x 34' two-story, frame dwelling and a 20' x 20' detached garage, situated on a 38' x 123' parcel located in a Two-Family District on the south side of Westropp Avenue at 14222 Westropp Avenue; subject to the Height Regulations, an accessory building shall not exceed 15' in height, or the distance from the accessory building to a main building on adjoining premises in a Residence District, and an 8' distance is provided, where the garage must be a distance of 10' to 15' from the neighboring dwelling as stated in Section 353.05 of the Codified Ordinances.

**Calendar No. 04-142:** Appeal of Patricia Allen Violation Notice 1552 Ansel Road (Ward 7)

Patricia Allen, owner, appeals from a Notice of Violation issued by the Department of Building and Housing for failure to maintain in good condition accessory off-street parking spaces, driveways and maneuvering areas that are required to be surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material and free of debris and trash, as stated in Section 337.18(a) of the Codified Ordinances.

**Calendar No. 04-144:** 3559 West 122nd Street (Ward 19)

Hammad Hammad, owner, appeals to enclose an existing 8' x 27' front porch of an existing two-story frame dwelling situated on a 35' x 105' parcel in a Two-Family District on the east side of West 122nd Street at 3559 West 122nd Street; contrary to the Regulations for Yards and Courts, an 8' front porch projection is provided where not more than 4' is allowed as stated in Section 357.13(b)(4) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JUNE 21, 2004**

At the meeting of the Board of Zoning Appeals on Monday, June 21, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 04-101:** 17636 Lakeshore Boulevard

Gerald Westmoreland appealed to expand a nonconforming auto repair shop into two separate auto repair shops in a Multi-Family District; subject to conditions.

**Calendar No. 04-103:** 4702 Franklin Boulevard

Jack Kline appealed to erect a 40' x 108' two-story, one family dwelling with an attached garage in a Two-Family District.

**Calendar No. 04-106:** 5836 Broadway Avenue

Family Dollar Store appealed to erect a one-story 9,180 s/f retail store in a General Retail Business District.

**Calendar No. 04-126:** 2493 West 20th Street

Stefan Was appealed to erect a 20' x 43' two-story attached garage and dwelling unit to the rear of a two-story dwelling in a Two-Family District.

**Calendar No. 04-127:** 2572 Scranton Road

Charles Christopher Real Estate appealed to expand an existing restaurant by adding an outdoor patio at the west side of a two-story building in split zoning for General Retail Business and Multi-Family Districts; subject to conditions.

**Calendar No. 04-109:** 14601 Montrose Road

The Cleveland Municipal School District appealed to erect a two-story 63,000 s/f Kindergarten through 8th Grade public school building in a One-Family District.

The following appeals were **Denied**:

**Calendar No. 04-100:** 4522 South Hills Drive

Douglas Moore appealed to install 6' high privacy fence along and parallel to a driveway in a One-Family District.

**Calendar No. 04-102:** 8713 Vineyard Avenue

Angie Hubbard appealed to establish a Type A day care in an existing one family dwelling in a Two-Family District.

The following appeal was **Postponed**:

**Calendar No. 04-125:** 14300 Miles Avenue postponed to July 26, 2004.

The following appeals were **Dismissed**:

**Calendar No. 04-89:** 3348 West 99th Street

Edwin Lopez appealed to install a 4' high chain link fence along the

front and side street yard setback of a 40' x 105' parcel in a Two-Family District.

**Calendar No. 04-92:** 515 East 117th Street

Mark Gomes, owner, and Shana McDade, tenant, appealed to establish use for a Type A day care in an existing dwelling unit of a multiple dwelling building in a Multi-Family District.

In Executive Session on June 21, 2004, the following appeals heard by the Board on June 14, 2004 were adopted or approved.

The following appeals were **Approved**:

**Calendar No. 04-112:** 17600 Lakeshore Boulevard

Attila Gyorki appealed to expand a legal, nonconforming auto repair business in a General Retail Business District.

**Calendar No. 04-113:** 1430-58 East 105th Street - Unit A

Famicos Foundation appealed to construct a three-story, single family townhouse on a 6,000 s/f lot in a Residence Office District.

**Calendar No. 04-114:** 1430-58 East 105th Street - Unit B

**Calendar No. 04-115:** 1430-58 East 105th Street - Unit C

**Calendar No. 04-116:** 1430-58 East 105th Street - Unit D

**Calendar No. 04-117:** 1430-58 East 105th Street - Unit E

Famicos Foundation appealed to construct a three-story, single family townhouse on a 3,000 s/f lot in a Residence Office District.

**Calendar No. 04-118:** 1430-58 East 105th Street - Unit F

**Calendar No. 04-119:** 1430-58 East 105th Street - Unit G

Famicos Foundation appealed to construct a three-story, single family townhouse on a 4,800 s/f lot in a Residence Office District.

**Calendar No. 04-120:** 1430-58 East 105th Street - Unit H

**Calendar No. 04-121:** 1430-58 East 105th Street - Unit I

**Calendar No. 04-122:** 1430-58 East 105th Street - Unit J

Famicos Foundation appealed to construct a three-story, single family townhouse on a 3,000 s/f lot in a Residence Office District.

**Calendar No. 04-123:** 1430-58 East 105th Street - Unit K

Famicos Foundation appealed to construct a three-story, single family townhouse on a 4,500 s/f lot in a Residence Office District.

**Calendar No. 04-124:** 1430-58 East 105th Street - Unit L

Famicos Foundation appealed to construct a three-story, single family townhouse on a 4,500 s/f lot in a Residence Office District.

In Executive Session on June 21, 2004, the following appeals heard by the Board on April 26, 2004 were adopted and approved:

**Calendar No. 04-55:** 10721-23 St. Clair Avenue

Eric Sims and Joann Drish appealed to change to a day care the

first floor only of a two-story stores and dwelling units building in a Local Retail Business District; subject to conditions.

**Calendar No. 04-74:** 15712 Kipling Avenue

The Catholic Diocese of Cleveland, owner, and Hope East Academy prospective tenant, appealed to erect a 64' x 192' one-story modular classroom building in a Two-Family District; subject to conditions.

**Calendar No. 04-76:** 12913 Bennington Avenue

The Catholic Diocese of Cleveland, owner, and Hope West Academy, prospective tenant, appealed to erect a 64' x 71' one-story modular classroom building in a One-Family District; subject to conditions.

In Executive Session on June 21, 2004, the following appeal heard by the Board on May 17, 2004 was adopted and approved:

**Calendar No. 04-83:** 11409 Orville Avenue

Cleyn Davidson appealed to enclose an existing front porch of a one family dwelling in a Two-Family District.

In Executive Session on June 21, 2004, the following appeals heard by the Board on May 24, 2004 were adopted and approved:

**Calendar No. 04-47:** 13825 Lyric Avenue

Douglas Brown appealed to enclose an existing 6' x 18' front porch of a one-story dwelling in an A1 One-Family District.

**Calendar No. 04-99:** 1259 East 101st Street

Horizon Construction appealed to erect a 50' x 40' two-story single family dwelling with an attached garage in s Multi-Family District.

The following appeals were **Denied**:

None.

Secretary

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

Re: Report of the Meeting of  
June 16, 2004

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

\* \* \*

**Docket A-28-04.**

RE: Appeal of Susan Soeder, Owner of the Mixed One Dwelling Unit One Story Masonry Property located on the premises known as 5713 Harvard Avenue (aka 5713-19-21 Harvard Avenue) from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and

Housing, dated February 27, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-28-04 has been WITHDRAWN at the June 16, 2004 Board Hearing, noting that all the violations have been corrected on the property as stated by the inspector.

\* \* \*

**Docket A-30-04.**

RE: Appeal of National City Mortgage Co., Mortgagee of the One Dwelling Unit/two Story Frame Residential Property located on the premises known as 3152 West 41st Street from a 30 DAY CONDEMNATION ORDER — MS & GARAGE of the Director of the Department of Building and Housing, dated February 20, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-30-04 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-32-04.**

RE: Appeal of Janeen & Hikmat Dakdouk, Owner of the Property located on the premises known as 2118 Broadview Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated March 29, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-32-04 has been POSTPONED; to be rescheduled for June 30, 2004.

\* \* \*

**Docket A-36-04.**

RE: Appeal of Kenneth D. Icke, Owner of the One Dwelling Unit/Two & One/half Story Frame Residential Property located on the premises known as 3172 West 50th Street from a NOTICE OF VIOLATION — PLUMBING-UO/30DAY CONDEMNATION — MS of the Director of the Department of Building and Housing, dated March 23, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and abate the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-38-04.**

RE: Appeal of Bessie Cameron, Owner of the Two Dwelling Units/Two & One/half Story Frame Residential Property located on the premises known as 1087 East 146th Street (aka 1087-89 East 146th

Street) from a 30 DAY CONDEMNATION ORDER — MS & GARAGE, of the Director of the Department of Building and Housing, dated April 15, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for an "Extension of Time" and to REMAND the property at 1087 East 146th Street (aka 1087-89 East 146th Street) to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-51-04.**

RE: Appeal of Robert Mintz/White Hat Management, Owner of the Proposed Educational Facility Property located on the premises known as 3121 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 25, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the basement to be occupied but to limit the occupancy in the basement to no more than one-hundred fifty (150) people, with the provision that the thirty-seven & one-half (37-1/2) inch stairwell be sprinkled and that the smoke barrier be installed at the first floor elevator opening. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**EXTENSION OF TIME:**

**Docket A-21-04 — The City of Cleveland — 4001 N. Marginal Road:**

A motion is in order at this time to grant the requested "Extension of Time" of the Temporary Certificate of Occupancy through to July 31st, 2004. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-33-04—John P. Tucky.
- A-35-04—Andre' Hancock.
- A-45-04—The City of Cleveland.
- A-46-04—Oatey Co.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

June 2, 2004

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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



**WEDNESDAY, JUNE 30, 2004**

**Purchase and Installation of Re-furnished Office Furniture**, for the Division of Workforce Development, Department of Economic Development, as authorized by Ordinance No. 1518-03, passed by the Council of the City of Cleveland, November 17, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, JUNE 23, 2004 AT 10:30 A.M., DIVISION OF WORKFORCE DEVELOPMENT (ONE STOP CAREER CENTER), 1701 EAST 13TH STREET, CLEVELAND, OHIO 44114.

**Purchase and Installation of New Office Furniture**, for the Division of Workforce Development, Department of Economic Development, as authorized by Ordinance No. 1518-03, passed by the Council of the City of Cleveland, November 17, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, JUNE 23, 2004 AT 10:30 A.M., DIVISION OF WORKFORCE DEVELOPMENT (ONE STOP CAREER CENTER), 1701 EAST 13TH STREET, CLEVELAND, OHIO 44114.

June 16, 2004 and June 23, 2004

**THURSDAY, JULY 1, 2004**

**Asbestos Surveys and Environmental Reports**, for the Various Divisions, Department of Building and Housing, as authorized by Ordinance No. 252-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, JUNE 24, 2004 AT 10:00 A.M., DEPARTMENT OF BUILDING AND HOUSING, CITY HALL, 601 LAKESIDE AVENUE, CONFERENCE ROOM #509, CLEVELAND, OHIO 44114.

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

June 16, 2004 and June 23, 2004

**THURSDAY, JULY 1, 2004**

**Underground Storage Tank Removal**, for the Various Divisions, Department of Building and Housing, as authorized by Ordinance No. 252-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, JUNE 24, 2004 AT 11:00 A.M., DEPARTMENT OF BUILDING AND HOUSING, CITY HALL, 601 LAKESIDE AVENUE, CONFERENCE ROOM #509, CLEVELAND, OHIO 44114.

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

June 16, 2004 and June 23, 2004

**FRIDAY JULY 2, 2004**

**Quicklime**, 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 **MANDATORY** PRE-BID MEETING, FRIDAY, JUNE 25, 2004 AT 10:00 A.M., 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Snow and Ice Removal at Health Centers**, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 419-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, JUNE 24, 2004 AT 10:00 A.M., McCAFFERTY HEALTH CENTERS, 4242 LORAIN, CLEVELAND, OHIO 44113.

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

June 16, 2004 and June 23, 2004

**FRIDAY, JULY 23, 2004**

**Hauling and Disposing of Water Plant Residuals**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2314-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 11:30 A.M., CROWN WATER TREATMENT PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

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

June 16, 2004 and June 23, 2004

**WEDNESDAY, JULY 7, 2004**

**Medical Supplies**, for the Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 2232-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JULY 1, 2004 AT 11:00 A.M., CEMS HEADQUARTERS, 1708 SOUTH POINT DRIVE, 9TH FLOOR, CLEVELAND, OHIO 44109.

June 23, 2004 and June 30, 2004

**THURSDAY, JULY 8, 2004**

**Superior Avenue Resurfacing**, for the Division of Engineering and 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 **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JULY 1, 2004 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

June 23, 2004 and June 30, 2004

**WEDNESDAY, JULY 14, 2004**

**Purchase of 1 3/4 Inch Fire Hose**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 11:30 A.M., CLEVELAND FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

**Purchase of 4 Inch Fire Hose**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 11:00 A.M., CLEVELAND FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

**Purchase of Thermal Imaging Cameras**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

June 23, 2004 and June 30, 2004

**THURSDAY, JULY 15, 2004**

**Purchase of Rope Rescue Equipment**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 9:30 A.M., CLEVELAND FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

**Purchase of Dive Rescue Equipment**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY,

DAY, JULY 9, 2004 AT 10:30 A.M., CLEVELAND FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

**Purchase of One (1) Decontamination Unit Body**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 206-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JULY 9, 2004 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Purchase of Antifreeze/Coolant**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1976-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JULY 6, 2004 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 23, 2004 and June 30, 2004

#### WEDNESDAY, JULY 21, 2004

**Purchase of One (1) Mass Casualty Unit Body**, for the Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 206-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JULY 13, 2004 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Purchase of One Cab/Chassis with 16-Cubic Yards Sewer Cleaner Body**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 14, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JULY 13, 2004 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 23, 2004 and June 30, 2004

#### THURSDAY, JULY 29, 2004

**Purchase of Laboratory Equipment, Testing and Analytical Services**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, JULY 8, 2004 AT 1:00 P.M., PUBLIC UTILITIES BUILDING,

FOURTH FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.  
**THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

June 23, 2004 and June 30, 2004

#### FRIDAY, JULY 30, 2004

**Biological Testing Media and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JULY 14, 2004 AT 11:30 A.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

June 23, 2004 and June 30, 2004

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 1191-04.**  
**By Council Member Conwell.**  
An emergency resolution proclaiming September 11, 2004 and each anniversary thereafter as "American Heroes Day" to remember the victims of accidents, violence, crime and natural causes and to honor the thousands of fire fighters, emergency medical service officers, police officers and public officials who dedicate and sometimes give their lives to help and serve the public good; and urging all citizens to honor our American heroes and to celebrate our American spirit on this day and to work to rebuild individual lives and communities so tragically affected.

Whereas, on September 11, 2001, this nation suffered the most egregious terrorist attack on American soil in its history, leaving more than 3,000 persons dead, including hundreds of fire fighters, police officers, and emergency medical personnel; and

Whereas, one of the worst acts of human malice in American history became one of America's finest moments, as the American people united in their efforts to recover the remains of victims, assist victims' families and demonstrate to the world that terrorism is ineffective and cannot destroy the spirit of a diverse, freedom-loving people; and

Whereas, the memory of the events of September 11, 2001 reminds us of the thousands of everyday heroes who do not seek hero status, but who nevertheless perform acts of courage and extraordinary service to their fellow citizens; and

Whereas, this Council is proud of the heroes who live and work in the City 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 this Council hereby proclaims September 11, 2004 and each anniversary thereafter as "American Heroes Day" to remember the victims of accidents, violence, crime and natural causes and to honor the thousands of fire fighters, emergency medical service officers, police officers and public officials who dedicate and sometimes give their lives to help and serve the public good.

**Section 2.** That this Council further urges all citizens to honor our American heroes and to celebrate our American spirit on this day and to work to rebuild individual lives and communities so tragically affected.

**Section 3.** That the Clerk is hereby directed to transmit certified copies of this resolution to President George W. Bush and the appropriate members of the United States Congress representing northeast Ohio.

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

Adopted June 14, 2004.  
Effective June 21, 2004.

**Res. No. 1217-04.**  
**By Council Member Cintron.**  
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3501 Lorain Avenue and repealing Resolution No. 2349-03, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 3501 Lorain Avenue by Resolution No. 2349-03 adopted by the Council on November 24, 2003; and

Whereas, this Council wishes to withdraw its objection 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 Liquor Permit to Ankoush, Inc., DBA Gas USA Fulton, 3501 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 0222882, be and the same is hereby withdrawn and Resolution No. 2349-03, containing such objection, 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.

Adopted June 14, 2004.  
Effective June 21, 2004.

**Res. No. 1218-04.****By Council Member Johnson.****An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3218 East 135th Street, 1st floor.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Karima, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 4498930 to 3218 Sophie, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 8871284; 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 and C2 Liquor Permit from Karima, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 4498930 to 3218 Sophie, Inc., DBA Eastside Groceries, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 8871284; 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1219-04.****By Council Member Jones.****An emergency resolution objecting to the stock transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 13208 Caine Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent Number 6553548; 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 stock transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent Number 6553548; 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1220-04.****By Council Member Jones.****An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 17324 Harvard Avenue.**

Whereas, Council has been notified by the Department of Liquor Control OF an application for the transfer of ownership of a D5 and D6 Liquor Permit from Juva De, Inc., 1st Fl E/S Front & Basement, 17324 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 4417742 to Carolinas Enterprise Corp., 17324 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 1273128; 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 D5 and D6 Liquor Permit from Juva De, Inc., 1st Fl E/S Front & Basement, 17324 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 4417742 to Carolinas Enterprise Corp., 17324 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 1273128; 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1221-04.**

**By Council Member Polensek.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 15914 St. Clair Avenue, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Hiccup, Inc., DBA D Joint, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 3821080 to One Fifty Nine Peaches, Inc., DBA Peaches, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6548367; 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 D5 and D6 Liquor Permit from Hiccup, Inc., DBA D Joint, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 3821080 to One Fifty Nine Peaches, Inc., DBA Peaches, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6548367; 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1222-04.**

**By Council Member Rybka.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 5407 Fleet Avenue, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from 5407 Fleet, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2759396 to Titash, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8947247; 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, 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 C2 and C2X Liquor Permit from 5407 Fleet, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2759396 to Titash, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8947247; 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1223-04.**

**By Council Member Brady.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3506 West 105th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Community Beverage, Inc., 3506 West 105th Street, Cleveland, Ohio 44111, Permanent Number 16670940005; 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 430-5.292; 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 Community Beverage, Inc., 3506 West 105th Street, Cleveland, Ohio 44111, Permanent Number 16670940005 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 June 14, 2004.

Effective June 21, 2004.

**Res. No. 1224-04.**

**By Council Member Cintron.**

**An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit to 2132 West 25th Street.**

Whereas, Council has been notified by the Department of Liquor

Control of an application for a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Paradise Productions, Inc., DBA Pipes Inn, 10210-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 6695506 to Chatham Entertainment, LLC, DBA 25 Lounge, 2132 West 25th Street, Cleveland, Ohio 44113, Permanent Number 1385000; 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, D3 D3A and D6 Liquor Permit from Paradise Productions, Inc., DBA Pipes Inn, 10210-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 6695506 to Chatham Entertainment, LLC, DBA 25 Lounge, 2132 West 25th Street, Cleveland, Ohio 44113, Permanent Number 1385000, 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 980-03.**

**By Council Members Gordon, Johnson, Cimperman and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to transfer property described as Permanent Parcel No. 118-26-067 to the control, possession and use of the Department of Community Development.**

Whereas, the Department of Parks, Recreation and Properties desires to transfer certain property under its control to the Department of Community Development to be consolidated into the Land Bank sale of Permanent Parcel No. 118-26-095 for the residential construction; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; 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 under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to transfer the following described property to the control, possession, and use of the Department of Community Development:

**PERMANENT  
PARCEL NO. 118-26-067**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 38 in William and Lewis Brookers' Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 76th Street (formerly Brooker Street), at the Southwesterly corner of said Sublot No. 38;

Thence Northerly, along the Easterly line of East 76th Street, 35 feet to a point distant 15 feet Southerly, measured along the Easterly line of East 76th Street, from the Northwesterly corner of said Sublot No. 38;

Thence Easterly and parallel with the Northerly line of said Sublot No. 38, 87 feet;

Thence Southerly, and parallel with the Easterly line of East 76th Street, 35 feet to the Southerly line of said Sublot;

Thence Westerly along the Southerly line of said Sublot, 87 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways, and subject to the condi-

tions, restrictions, and right of way set forth in the deed recorded in Volume 7208, Page 135 of Cuyahoga County Records and subject to building restrictions, conditions or limitations of record.

**Section 2.** That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 2461-03.**

**By Council Member Sweeney.**  
**An emergency ordinance to amend Section 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, relating to setting out containers.**

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 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, is amended to read as follows:

**Section 551.04 Setting Out Containers**

(a) No person shall set out solid waste for collection in a waste container that fails to meet the requirements of Section 551.02.

(b) No person shall set out for collection solid waste that cannot be contained in a waste container except in the manner prescribed by Section 551.05.

(c) No person shall set out solid waste for collection at any place other than the tree lawn in front of the property or at another designated place for waste collection as defined in division (g) of this section.

(d) No person shall set out any solid waste or any waste container for collection earlier than 12:00 noon on the day preceding a regular collection day.

(e) No person who has set out a waste container for collection shall fail to remove it from the tree lawn or other designated place for waste collection no later than 12:00 noon on the day following the date of collection.

(f) No owner of any property in the City shall fail to maintain the tree lawn of the property or other designated place for waste collection free from any solid waste or

solid waste containers, except that it shall not be a violation of this division if:

(1) The solid waste or solid waste containers are found on the tree lawn or other designated place for waste collection not earlier than noon the day before a regular collection day; and

(2) The solid waste is in a container or containers that meet the requirements of Section 551.02, or without a container if the requirements of Section 551.05 are met; and

(3) All solid waste and solid waste containers are removed from the tree lawn or other designated place for collection within twelve hours after the collection occurs.

(g) The Director of Public Service may issue rules not inconsistent with the requirements of this chapter to establish designated places for waste collection. Any such rule of the Director shall be effective ten days after its publication in the City Record.

(h) As used in this section:

(1) The phrase "tree lawn" means the area between the curb and the sidewalk or the area between the curb and property line if there is no sidewalk.

(2) The phrase "another designated place for waste collection" or "other designated place for waste collection" means an alleyway adjacent to the property if waste collection occurs there, and also means any other place designated for waste collection pursuant to rule of the Director of Public Service issued under division (g) of this section.

**Section 2.** That existing Section 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, 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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 96-04.**

**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to amend City Contract No. 52942 between the City of Cleveland and Goodtime Cruise Line, Inc. to allow the Goodtime III to provide the community tours during its regular season.**

Whereas, the City, through its Director of Parks, Recreation, and Properties, entered into City Contract No. 52942 ("Agreement") with Goodtime Cruise Line, Inc. ("Goodtime") for use, maintenance, and occupancy of approximately 175 feet of dockage for Goodtime III in the North Coast Harbor; and

Whereas, under the Agreement, Goodtime is required to provide a community tour on the second Tuesday in the months of May through August for up to 400 people for each tour, at a rate of \$1 per person; and

Whereas, two of these community tours occur during Goodtime's off-season; 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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation, and Properties is authorized to amend City Contract No. 52942 between the City of Cleveland and Goodtime Cruise Line, Inc. to allow the Goodtime III to provide the community tours during its regular season.

**Section 2.** That the amendment shall be prepared by the Director of Law and shall contain terms and conditions that the Director of Law deems necessary to protect and benefit the public interest.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 318-04.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into contract with Ohio Bell Telephone Company, doing business as SBC Ohio, for the provision of pay telephones at various City facilities, but excluding the rights-of-way of the City.**

Whereas, Ordinance No. 984-03, passed by this Council on June 10, 2003, authorized the Director of Finance to enter into one or more concession agreements for the provision of pay telephones service at various City facilities; and

Whereas, Ordinance No. 984-03 requires the approval of the concessionaire by this Council; and

Whereas, a full and complete canvass of qualified vendors was conducted through a Request for Proposals for this service; and

Whereas, the most favorable proposal was submitted by Ohio Bell Telephone Company, dba SBC Ohio; 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 Finance is authorized to enter into a contract or contracts by way of concession with Ohio Bell Telephone Company, doing business as SBC Ohio, on the basis of its proposal dated August 14, 2003, for the provision of pay telephones at various City facilities, but excluding any of the rights-of-way of the City. The facilities may include Cleve-

land Hopkins International Airport, the Convention Center, City Hall, City jails, and other City facilities, or any combination of these facilities, as deemed most advantageous in the opinion of the Director of Finance. The contract or contracts authorized by this ordinance shall be for a term of not to exceed three years, with two one-year options to renew, exercisable by the Director of Finance, and shall be prepared by the Director of Law, approved by the Director Finance and certified by him.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 574-04.**  
**By Council Members Coats and Jackson (by departmental request).**  
**An emergency ordinance authorizing the issuance and sale of Water Revenue Bonds of the City in a principal amount not to exceed \$175,000,000 for the purpose of refunding outstanding Water Revenue Bonds, authorizing a Supplemental Indenture to supplement the amended and restated trust indenture securing outstanding Water Revenue Bonds of the City, authorizing related matters, and declaring an emergency.**

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision in and of the State of Ohio, is authorized under Article XVIII of the Constitution of the State and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding bonds issued for that purpose; and (d) to issue additional bonds secured by a pledge of and lien on the Net Revenues of the Waterworks System on a parity with Bonds outstanding under the Indenture, as defined and described below; and

Whereas, this Council has determined that it is necessary to issue, sell and deliver additional Bonds under the Indenture in order to refund certain Outstanding Bonds to reduce the total debt service payable on the Outstanding Bonds; and

Whereas, this Ordinance constitutes an emergency measure providing for the immediate preservation of public property, health and safety, and for the further reason that this Ordinance is required to be immediately effective to permit the issuance and sale of the 2004 Bonds to obtain debt service savings for the benefit of the Waterworks System and thereby provide for the usual daily operation of a

municipal department; now, therefore,

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

**Section 1. Definitions.** In addition to the words and terms defined in the Indenture, a copy of which is on file in with the Clerk of Council in File No. 574-04-A, the following words and terms shall have the following meanings, unless the context or use otherwise indicates:

"2004 Bonds" means the Bonds authorized to be issued under this Ordinance and the Indenture in one or more Series, sold under one or more Bond Purchase Agreements and secured under one or more Supplemental Indentures supplementing the Indenture to provide the terms of each Series.

"Bond Purchase Agreement" means one or more purchase agreements between the City and the Original Purchasers with respect to the 2004 Bonds authorized by Section 2 of this Ordinance.

"Certificate of Award" means one or more certificates providing for the determination of the final terms of the 2004 Bonds of each Series, consistent with the requirements of this Ordinance including, without limitation, Section 2 of this Ordinance.

"Continuing Disclosure Agreement" means one or more agreements authorized by Section 13 of this Ordinance and to be in accordance with Rule 15c2-12 of the Securities and Exchange Commission.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of 2004 Bonds of any Series.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 6 of this Ordinance.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to the Escrow Agreement.

"Financial Advisor" means, with respect to the 2004 Bonds, Government Capital Management, L.L.C. or Columbia Equity Financial Corp., acting jointly or singly.

"Indenture" means the Amended and Restated Indenture, effective October 5, 2001, between the City and National City Bank, as Trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and the consent of the owners of 66-2/3% of the applicable Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to the 2004 Bonds, Bear, Stearns & Co. Inc., Morgan Stanley & Co. Incorporated, SBK-Brooks Investment Corp., and M. R. Beal & Company.

"Outstanding Bonds" means water revenue bonds of the City issued and outstanding under the Indenture, consisting of the following series of bonds, with the indicated principal amount currently outstanding: Series G, 1993 (\$163,055,000),

Series H, 1996 (\$61,460,000), Series I, 1998 (\$297,430,000), Series J, 2001 (\$76,550,000), Series K, 2002 (\$138,050,000), and Series L, 2002 (\$90,000,000).

"Refunded Bonds" means those Outstanding Bonds designated in the Certificate of Award as the Bonds to be refunded with proceeds of the 2004 Bonds.

"Supplemental Indenture" means one or more Supplemental Indentures between the City and the Trustee securing the 2004 Bonds and authorized under Section 6 of this Ordinance. In the event that the 2004 Bonds are issued in more than one Series under more than one Supplemental Indenture, references in this Ordinance to the Supplemental Indenture mean the Supplemental Indenture applicable to that Series.

**Section 2. Authorization of the 2004 Bonds.** This Council finds and determines it is necessary and proper and in the best interest of the City to issue the 2004 Bonds for the purpose of refunding the Refunded Bonds. The 2004 Bonds may be issued in one or more Series. The principal amount of each Series of 2004 Bonds is to be the amount set forth in the Certificate of Award authorized in Section 2. The aggregate principal amount of 2004 Bonds of all Series issued for the purpose of refunding the Refunded Bonds shall not exceed \$175,000,000 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary to refund the Refunded Bonds and to obtain aggregate net present value debt service savings with respect to the Refunded Bonds of not less than three percent (3%). The proceeds from the sale of each Series of 2004 Bonds shall be allocated, deposited and applied as provided in Section 4 of this Ordinance.

The 2004 Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the 2004 Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of 2004 Bonds may be issued at the same or different times. The 2004 Bonds of each Series shall be designated as provided in the applicable Certificate of Award. A separate Supplemental Indenture may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a Series of 2004 Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that Series. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the 2004 Bonds of that Series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise; provided that no Series of 2004 Bonds shall bear interest at a rate in excess of sixteen percent (16%) per year. Notwithstanding that limitation, a Series of 2004

Bonds held by a provider of a Credit Support Instrument may bear interest at a rate not in excess of twenty-five percent (25%) per year as provided in the agreement with the provider of the Credit Support Instrument. The Director of Finance may determine that the terms of a variable rate Series of 2004 Bonds may or may not permit the Holders to tender their variable rate 2004 Bonds for purchase by the City. If the Director of Finance designates any Series of 2004 Bonds as variable rate 2004 Bonds, and if the Holders of that Series of 2004 Bonds are to be entitled to tender those 2004 Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate 2004 Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the 2004 Bonds, and from time to time thereafter so long as the 2004 Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate 2004 Bonds. In the event the variable rate 2004 Bonds are issued as auction rate obligations, the Director of Finance is authorized, to enter into agreements from time to time, so long as the 2004 Bonds are outstanding, with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

Regardless of whether a Series of 2004 Bonds bears interest at variable or fixed rates, the Director of Finance is authorized to contract for Credit Support Instruments, and to pay the costs of them from proceeds of the 2004 Bonds, if he determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument or Instruments will result in a savings in the cost of the financing to the City.

The Refunded Bonds shall be designated by the Director of Finance in the Certificate of Award and shall consist of those Outstanding Bonds the refunding of which will enable the City, in the judgment of the Director of Finance, based on the written advice of a Financial

Advisor, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Certificate of Award. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

**Section 3. Sale of 2004 Bonds.** The 2004 Bonds shall be sold to the Original Purchasers pursuant to one or more Bond Purchase Agreements substantially in the form of the Bond Purchase Agreement now on file with the Clerk in the File referenced in Section 1 with such changes not inconsistent with the Indenture or this Ordinance and not substantially adverse to the City as may be approved by the officer signing the Bond Purchase Agreement on behalf of the City. The approval of any changes by that officer and the determination by that officer that the change is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of the Bond Purchase Agreement by that officer. The Director of Finance shall sign and deliver the Certificate of Award and Bond Purchase Agreement for the 2004 Bonds of each Series, one or more of which shall specify and set forth the following details with respect to the 2004 Bonds:

(a) the aggregate principal amount; provided that amount shall not exceed \$175,000,000 assuming that the 2004 Bonds are to be initially offered to the public at a price at least equal to their aggregate principal amount; however, if any of the 2004 Bonds are to be initially offered to the public at an original issue discount, the maximum aggregate principal amount of 2004 Bonds shall be increased over that amount by an amount equal to the aggregate original issue discount net of the aggregate original issue premium;

(b) the date or dates of the 2004 Bonds;

(c) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by subtracting from the aggregate principal amount of the 2004 Bonds any aggregate original issue discount net of any aggregate original issue premium with respect to the 2004 Bonds, plus (ii) any accrued interest on the 2004 Bonds from their date to the date of their delivery to the Original Purchasers;

(d) whether any 2004 Bonds are subject to optional redemption prior to maturity and, if so, the earliest optional redemption date for those 2004 Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable Series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(e) the dates on which principal of the 2004 Bonds is to be paid, which shall be not later than 30 years from the date of delivery, with an identification of whether the payment is due by stated maturity or

by mandatory sinking fund redemption of 2004 Bonds of a particular maturity;

(f) the interest rates to be borne by 2004 Bonds bearing interest at a fixed rate, which shall not exceed amounts that result in an average yield in excess of six percent (6%), and the method by which the interest rate is to be determined for 2004 Bonds bearing interest at variable rates, consistent with Section 2. The 2004 Bonds of the same Series and same maturity may bear interest at different interest rates;

(g) the particular Outstanding Bonds or portions thereof to be Refunded Bonds;

(h) any deposit required to be made to the Debt Service Reserve Fund; and

(i) the title and Series designation for the Bonds.

It is determined that the terms of the 2004 Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

**Section 4. Application of Proceeds of 2004 Bonds.** The proceeds of the sale of the 2004 Bonds shall be deposited as follows:

(a) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the 2004 Bonds as accrued interest on any 2004 Bonds from their dated date to the date of the delivery of and payment for those 2004 Bonds;

(b) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(c) to the Trustee, for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement, any proceeds to be applied in accordance with the Escrow Agreement to refund the Refunded Bonds; and

(d) to the Trustee for deposit in the Costs of Issuance Fund for the 2004 Bonds (to be established under the applicable Supplemental Indenture) the balance of the proceeds to be applied to pay costs of issuing the 2004 Bonds.

Provision shall be made in the Supplemental Indenture for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of the Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provision may be made in the Supplemental Indenture for the creation of separate accounts within the funds established under the Indenture or Supplemental Indenture.

**Section 5. Terms and Provisions Applicable to the 2004 Bonds.**

(a) Form; Exchange and Transfer. All 2004 Bonds shall be issued in fully registered form. The 2004 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered



owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) Dates; Denominations. The 2004 Bonds shall be dated as of the date or dates provided in the Certificate of Award. The 2004 Bonds of each Series shall be issued in the denominations permitted in the Supplemental Indenture.

(c) Interest and Place of Payment. The 2004 Bonds shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate 2004 Bonds, determined pursuant to the Supplemental Indenture). The 2004 Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each 2004 Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The 2004 Bonds shall mature on the principal retirement dates provided in the Certificate of Award.

(e) Optional and Mandatory Redemption. The 2004 Bonds may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award. Any 2004 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The 2004 Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) Execution. The 2004 Bonds shall be signed by the persons and in the manner set forth in the Indenture.

(g) Numbering. The 2004 Bonds shall be numbered as determined by the Director of Finance.

**Section 6. Authorization of Supplemental Indenture; Escrow Agreement.** In order to secure the payment of the principal of and any premium and interest on the 2004 Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and

on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the 2004 Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers.

The Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein to the payment of the Refunded Bonds and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the applicable Refunded Bonds subject to redemption in accordance with the Certificate of Award and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements to enable the City to more efficiently structure an Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in an Escrow Fund, for the payment of debt service on the Refunded Bonds.

**Section 7. Rebate Fund.** There is hereby established and ordered to be maintained one or more separate accounts (except when invested as provided in the Indenture) within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the 2004 Bonds or the Outstanding Bonds. Calculations of excess earnings that may be due

and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

**Section 8. Other Provisions for Payment of Outstanding Bonds.** The City may, from time to time, deposit funds in trust with the Trustee for the payment of principal and interest requirements on any Outstanding Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to deposit into an escrow fund, from time to time, moneys transferred from Fund No. 52-001 of the Water Division, in amounts that, in the aggregate, do not exceed \$50,000,000, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Bonds, as and when due at maturity or upon prior redemption, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more escrow agreements approved as to form and correctness by the Director of Law, providing for the establishment of an escrow fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the agreement. The officers signing the agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the agreement by those officers. The Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be

sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Bonds.

**Section 9. Interest Hedge Agreements.** This Council finds that by engaging in interest hedge transactions, from time to time, the City can, in effect, convert interest on all or a portion of the 2004 Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, or exchange one floating rate for another floating rate with respect to all or any portion of the 2004 Bonds or otherwise hedge its interest rate risk and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations or minimizing the risk of variations in its debt service costs or maximizing savings. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the execution and delivery of one or more hedge agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement.

The Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the maximum aggregate notional amount of interest rate hedge transactions outstanding at any one time, net of offsetting interest rate hedge transactions, shall not exceed such amount as will result in a lowering of the ratings assigned to the Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies, and (b) the term of each interest rate swap transaction shall not exceed 30 years. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance. The Director of Finance may obtain the services of a swap advisor or other financial advisor determined by the Director of Finance to be knowledgeable about hedging transactions to advise the City concerning any Hedge Agreement undertaken pursuant to this Section.

The City's payment obligations under each Hedge Agreement shall be payable from the Net Revenues of the Waterworks System and may be secured by a pledge of the Net Revenues on a parity with the pledge given under the Indenture to secure Bonds, subject to the requirements of Article XI of the Indenture with respect to Parity Obligations. The obligation of the City to make payments under a Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City. Nothing shall give any party to a Hedge Agreement the right to have excises, ad valorem or other taxes

levied by the City or the State for the payment of any amounts due under a Hedge Agreement.

**Section 10. Covenants of the City.** The City, by issuance of the 2004 Bonds, covenants and agrees with the Holders of the 2004 Bonds, that:

(a) The City will use the proceeds of the 2004 Bonds to refinance any Refunded Bonds, to fund any required deposit to the Debt Service Reserve Fund, and to pay costs relating to the issuance of the 2004 Bonds.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the 2004 Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the 2004 Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the 2004 Bonds and this Ordinance or as may be required by Section 13, Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the 2004 Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the 2004 Bonds in such manner and to such extent as may be necessary so that (a) the 2004 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 2004 Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the 2004 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of pro-

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

Each covenant made in this section with respect to the 2004 Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the 2004 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the 2004 Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the 2004 Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the 2004 Bonds.

The Mayor, the Director of Finance or any other officer of the City having responsibility for the issuance of the 2004 Bonds is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the 2004 Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the 2004 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the 2004 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the 2004 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the 2004 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the 2004 Bonds and interest thereon.

**Section 11. Authorization of Bond Rating and Credit Enhancement.** If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the 2004 Bonds by one or more nationally recognized rating agencies or for Credit Support Instruments are necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit any or all of those applications, to provide information as may be required in support of those applications and to provide for the pay-

ment of the costs of ratings and Credit Support Instruments from proceeds of the 2004 Bonds or funds of the Water Division, which are appropriated for the purpose.

**Section 12. Authorization of Official Statement.** The Director of Finance, the Director of Public Utilities and the Commissioner of the Division of Water are each authorized and directed to cooperate in the preparation of and (with respect only to the Official Statements) to sign, on behalf of the City and in their official capacities, one or more Preliminary Official Statements and final Official Statements, as described in the applicable Bond Purchase Agreement for the applicable Series of 2004 Bonds, to serve as disclosure documents in connection with the public offering and sale of the 2004 Bonds. Those officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statements and the final Official Statements and any supplements to them in connection with the original issuance of the 2004 Bonds. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of the Division of Water and the Director of Law are further authorized to sign and deliver, on behalf of the City and in their official capacities, acting alone or together, certificates with respect to the accuracy of each Preliminary Official Statement and final Official Statement and any supplements to them as may be required under the applicable Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate. The Director of Finance is authorized and directed to contract for services for the production and distribution of the Preliminary Official Statements and final Official Statements, including by print and electronic means.

**Section 13. Continuing Disclosure Agreement.** In compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC"), the City shall enter into one or more Continuing Disclosure Agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee, substantially in the form now on file with the Clerk in the File referenced in Section 1 of this Ordinance, with any changes that are not substantially adverse to the City as may be approved by the officer signing those Agreements on behalf of the City. The approval of any changes to a Continuing Disclosure Agreement by that officer and the determination by that officer that no such change is substantially adverse to the City shall be conclusively evidenced by the signing of that Continuing Disclosure Agreement by that officer. In each Continuing Disclosure Agreement, the City shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any state information depository, the annual financial information and operating data and notices of specified events required by that

Rule, as more particularly described in the Continuing Disclosure Agreement. The Mayor, Director of Finance and Director of Public Utilities, or any one of them, are authorized and directed to sign and deliver each Continuing Disclosure Agreement and any related agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The City understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the 2004 Bonds, including holders of book-entry interests in those Bonds.

**Section 14. Authorization of Other Documents.** To provide for the issuance and sale of the 2004 Bonds and the consummation of the transactions contemplated by this Ordinance, the Indenture, each Bond Purchase Agreement, each Supplemental Indenture, each Escrow Agreement, any agreement delivered pursuant to Section 8 and each Hedge Agreement, the Mayor, the Director of Finance and the Director of Public Utilities, or any one of them, and such other officers of the City as may be appropriate, are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments as may be necessary or appropriate to issue the 2004 Bonds and to consummate those transactions.

**Section 15. Open Meeting Determination.** 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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**Section 16. Findings and Recitals of Validity.** The City determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the 2004 Bonds in order to make the 2004 Bonds legal, valid and binding obligations of the City have or will have happened or have or will have been done and performed in regular and due form as required by law and the City's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the 2004 Bonds or their issuance. It is further found and determined, and is represented and recited, that the provisions of the City's Charter and the rules of this Council have been fully complied with and that this Ordinance was adopted in conformity therewith.

**Section 17. Severability.** In case any section or provision of this Ordinance, or in case any covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, that illegality or inoperability shall not affect any other

section or provision of this Ordinance, or any other covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance. This Ordinance shall be construed and enforced as if such illegal or invalid or inoperable portion were not contained in it. Any such illegality or invalidity or inoperability shall not affect any legal and valid and operable application from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act or action shall be deemed to be effective, operative, made or taken in the manner and to the full extent from time to time permitted by law.

**Section 18. Conditions.** That Director of Finance may issue the 2004 Bonds for the purpose of refunding the Refunded Bonds provided that the aggregate net present value debt service savings with respect to the Refunded Bonds is not less than three percent (3%), that the 2004 Bonds are issued within two years of the passage date of this Ordinance, and that the 2004 Bonds satisfy all other requirements of this Ordinance.

**Section 19. Effective Date.** This Ordinance is declared to be an emergency measure for the reasons set forth in the preambles. Those preambles are made a part hereof. Provided that this Ordinance receives the affirmative vote of two-thirds of all members elected to this Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 579-04.**

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

**An emergency ordinance determining the method of making the public improvement of constructing infrastructure improvements for the St. Luke's housing development project; and authorizing the Directors of Community Development and 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 constructing infrastructure improvements for the St. Luke's housing development project, for the Departments of Community Development and 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 Directors of Community Development and Public Service, as appropriate, are 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 363, 20 SF 372, 20 SF 379, and 20 SF 393, Request No. 125756.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 624-04.**

**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 Ohio Bureau of Workers' Compensation for the BWC Safety Grant Program; and authorizing the purchase by one or more requirement contracts of stair chairs 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 \$23,496.00, from the Ohio Bureau of Workers' Compensation to conduct the BWC Safety Grant 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 described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 624-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$5,874 from Fund No. 01-600400-639905, is approved in all respects.

**Section 3.** 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 4.** 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 during the grant term of the necessary items of stair chairs, 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 Emergency Medical Service, 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 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 contract or contracts with the vendors selected through that cooperative process.

**Section 6.** That the cost of the contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, the cash match authorized above, and shall be charged against the proper appropriation accounts. 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.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 627-04.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 12300 Shaker Boulevard to the Kappa Alpha Psi Fraternity House of Cleveland Ohio, Inc.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to the Kappa Alpha Psi Fraternity House of Cleveland Ohio, Inc. (the "Redeveloper") no longer needed for public use and located at 12300 Shaker Boulevard; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland,

Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

**Legal Parcel "B"**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original one hundred acre Lots Nos. 428 and 429, being bounded and described as follows:

Beginning at a stone monument found at the centerline intersection of Williams Ave (50 feet wide) and E. 124 Street (50 feet wide);

Thence S 89° 36' 05" W, 15.44 feet, along centerline of said Williams Ave to a point;

Thence N 00° 36' 09" E, 25.00 feet, to a point on the Northerly line of said Williams Avenue and the principal place of beginning of lands intended to be described;

Thence S 89° 36' 05" W, 135.21 feet, along the Northerly line of said Williams Avenue to a point of curvature;

Thence N 53° 38' 42" W, 44.52 feet, along the chord of a curve deflecting to the right having an arc length of 47.73 feet, and a radius of 37.20 feet, to the point of tangent;

Thence N 16° 53' 25" W, 16.44 feet, along the Northerly line of said Williams Avenue to a point;

Thence N 00° 36' 35" E, 90.00 feet, to the point;

Thence S 89° 23' 25" E, 20.00 feet, to a point;

Thence N 00° 36' 35" W, 60.37 feet, to a point on the Southerly line of shaker Blvd. (190 feet wide);

Thence S 89° 23' 25" E, 156.23 feet, along said Southerly line to a point;

Thence S 00° 36' 09" W, 190.04 feet, along the Westerly line of land conveyed to Kappa Alpha Psi Fraternity by deed recorded in Vol. 89-3996 Page 43 of County Records to the place of beginning and containing 0.737 acres of land according to survey made in March 2004 by Bemba K. Jones, P.S. Associates Inc. Professional Surveyors of Ohio #7343.

The basis for all bearings in this description is assumed.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 3.** That after the Cleveland Landmarks Commission has granted either conceptual or final approval to the proposed development project on the property described in this ordinance, the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed June 14, 2004.

Effective June 16, 2004.

**Ord. No. 628-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 19th Street to Sammy Catania and Thomas C. Catania.**

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 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). 004-02-032, as more fully described below, to Sammy Catania and Thomas C. Catania.

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

P. P. No. 004-02-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 111 in Bradford and Carter's Subdivision of part of Original Brooklyn Township Lot Nos. 70 and 87, as shown by the recorded plat in Volume 29 of Maps, Page 13 of Cuyahoga County Records. Said Sublot No. 111 has a frontage of 25 feet on the Easterly side of West 19th Street (formerly Smith Street), and extends back between parallel lines 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 629-04.**  
**By Council Member White.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Aetna Avenue to Cedric Nunn.**

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 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). 135-05-023, as more fully described below, to Cedric Nunn.

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

P. P. No. 135-05-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 45 feet of the Westerly 90 feet of Sublot No. 26 in the Carter Heirs

Subdivision, of part of Original One Hundred Acre Lot Nos. 449 and 450 in said city. Said part of said Sublot has a frontage of 45 feet on the Northerly side of Aetna Road, S.E. (formerly Aetna Street) and extends back of equal width 135 feet deep, as per plat of said Subdivision recorded in Volume 12 of Maps, Page 38 of Cuyahoga County Records, be the same more less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 631-04.**  
**By Council Member Jones.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered site 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. 138-12-069 as more fully described below, to Amistad Development Corporation or designee.

P. P. No. 138-12-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 108 in William M. Southern's Stanley Heights Subdivision of part of Original Warrensville Township Lots Nos. 61 and 71 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the West-erly side of East 141st Street and extending back between parallel lines 125 feet deep, 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 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

**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. 138-12-152 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. 138-12-152

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 70 in The Brockett Allotment of part of Original One Hundred Acre Lot No. 470 as shown by the recorded plat in Volume 61 of Maps, Page 40 of Cuyahoga County Records, and being 40 feet front on the West-erly side of East 139th Street and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 138-23-054 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. 138-23-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in The Continental Realty Company Continental Park Subdivision of

part of Original Warrensville Township Lot Nos. 71 and 81 as shown by the recorded plat in Volume 55 of Maps, Page 40 of Cuyahoga County Records, and being 40 feet front on the West-erly line of East 146th Street and extending back of equal width, 112.62 feet deep on the Northerly line, 112.35 feet deep on the Southerly line and 40 feet wide in the rear, 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. 139-05-065 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. 139-05-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 74 in William M. Southern's Stanley Heights Subdivision of part of Original Warrensville Township Lot Nos. 61 and 71 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Northerly side of Benwood Avenue, S.E. (formerly Marvin Avenue), 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 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. 139-05-101 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. 139-05-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 251 in The Parkhill Land and Allotment Company's Overlook Subdivision of part of Original Warrensville Township Lot Nos. 51 and 61 as shown by the recorded plat in Volume 59 of Maps, Page 10 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Northerly side of Edgewood Avenue S.E. and extending back between parallel lines, 110 feet, be the same more 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. 142-01-069 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. 142-01-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in William M. Southern's Stanley Heights Allotment of part of Warrensville Township Lots Nos. 61 and 71 as shown by the recorded plat of said Subdivision in Volume 16 of Maps, Page 23 of Cuyahoga County Records. Said Sublot No. 50 has a frontage of 40 feet on the Easterly side of East 143rd Street (formerly Myrtle Avenue) 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.

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. 142-02-005 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. 142-02-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 137 in W.M. Southern's Subdivision of part of Original Warrensville Township Lot Nos. 61 and 71 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records. Said Sublot No. 137 has a frontage of 40 feet on East 141st Street (formerly Gale Avenue) and extends back of equal width 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to restriction of record, zoning ordinances, if any. Also subject to covenants and restrictions recorded in Volume 507, Page 456 of Cuyahoga County Records.

**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. 142-16-043 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. 142-16-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 232 in the Miles Heights Subdivision, of part of Original Township Lot No. 82 as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records. Said Sublot has a frontage of 40 feet on Alonzo Avenue as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions containing in the instrument dated November 7, 1919 and recorded in Volume 2299, Page 484 of Cuyahoga County Records

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. 142-16-048 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. 142-16-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 227 in the S.H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on the Southerly side of Alonzo Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 19.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-16-049 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. 142-16-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 226 in the S.H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on the Southerly side of Alonzo Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 21.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-16-050 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. 142-16-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 225 in the S.H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on the Southerly side of

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

**Section 23.** 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 24.** 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 25.** 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 26.** 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 636-04.**

**By Council Member White.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9127 Broadway Avenue to Chris Penman and Amelia Penman.**

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 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). 134-09-008, as more fully described below, to Chris Penman and Amelia Penman.

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

P. P. No. 134-09-008

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 79 in the Newburgh Village Plat of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northeasterly line of Broadway S.E. (60 feet wide) at its intersection with the Northwesterly line of parcel of land aperted to Lucretia Miles by Partition in Common Pleas Court Records Volume 8, Page 471, said point being also distant Southeasterly measured along said Northeasterly line of Broadway S.E., 256.92 feet from its intersection with the Southerly line of Miles Avenue S.E. (70 feet wide), thence North 39° 07' 20" East along the Northwesterly line of lands aperted to Lucretia Miles as aforesaid, 98.51 feet to its intersection with the Southerly line of a parcel of land granted to O.R. Pease by Common Pleas Court Records in Volume 202, Page 411; thence North 82° 20' 20" West along the Southerly line of said land so aperted to O.R. Pease and along the Southerly line of parcel of land conveyed to James Kennedy by deed dated September 25, 1916 and recorded in Volume 1812, Page 577 of Cuyahoga County Records it being also the Northerly line of parcel of land conveyed to Jessica C. Hopkins by deed dated January 31, 1907 and recorded in Volume 1037, Page 839 of Cuyahoga County Records 68.22 feet; thence South 31° 32' 30" West along the Northwesterly line of land so conveyed to Jessica Hopkins it being also a Southeasterly line of a parcel of land conveyed to John H. and Louisa Johnston by deed dated February 4, 1909 and recorded in Volume 1097, Page 466 of Cuyahoga County Records, 62.16 feet to a point in the Northeasterly line of Broadway S.E.; thence South 49° 25' 10" East along the Northeasterly line of Broadway S.E., 50 feet to the place of beginning, according to the survey of the Wight-O'Rourke Company, dated September, 1943, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Sublot No. 79 in the Newburgh Village Plat of Original 100 Acre Lot No. 464 as appears on plat recorded in Volume 2, Page 20 of Cuyahoga County Map Records, and being more particularly bounded and described as follows:

The beginning point is on the

Northeasterly line of Broadway (60 feet wide) Distant South 49° 25' 10" East along said Northeasterly line, 10.00 feet from its intersection with the Northwesterly line of parcel of land aperted to Lucretia Miles by Partition as shown in Common Pleas Court Records Volume 8, Page 471. Said intersection being distant Southeasterly along said Northeasterly line of Broadway 256.92 feet from its intersection with the South line of Miles Avenue (70 feet wide) as now established:

**COURSE 1.** Thence North 39° 07' 20" East parallel to and distant Southeasterly 10 feet at right angles from the Northwesterly line of lands aperted to Lucretia Miles as aforesaid 104.88 feet to its intersection with the Southerly line of a parcel of land granted to O.R. Pease by Common Pleas court Records Volume 202, Page 411.

**COURSE 2.** Thence North 82° 20' 20" West along the Southerly line of said O.R. Pease lands it being also the Northerly line of land aperted to Lucretia Miles as aforesaid 11.72 feet.

**COURSE 3.** Thence South 39° 07' 20" West along the Northwesterly line of lands aperted to Lucretia Miles it being also the Southeasterly line of lands aperted to James Strong, by Partition as shown in Common Pleas Court Records Volume 8, Page 471, 98.51 feet to said Northeasterly line of Broadway.

**COURSE 4.** Thence South 49° 25' 10" East along said Northeasterly line 10.00 feet to the place of beginning. Be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

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

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 709-04.**

**By Council Member Cimperman.**

**An emergency ordinance establishing the Warehouse Historic District (Map Change No. 2118, Sheet No. 1) and Repealing Ordinance No. 2705-81, Passed June 21, 1982.**

Whereas, the Cleveland Landmarks Commission (the "Commission") under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Warehouse Historic District as a landmark; and

Whereas, the Cleveland City Council adopted Ordinance 2705-81 on June 21, 1982, establishing the Warehouse Historic District; and

Whereas, the Commission has proposed the expansion of the boundaries of the Warehouse Historic District established by Ordinance 2705-81; and

Whereas, the Commission has determined that the character, interest, and value of the proposed Warehouse Historic District is part of the development, heritage, and cultural characteristics of the City of Cleveland; and

Whereas, the proposed Warehouse Historic District is identified with persons who significantly contributed to the culture and development of the city of Cleveland; and

Whereas, the proposed Warehouse Historic District exemplifies the cultural, economic, social, and historic heritage of the City of Cleveland; and

Whereas, the proposed Warehouse Historic District is identified with the work of architects and master builders whose individual work has influenced the development of the City of Cleveland; and

Whereas, the owners of the properties within the boundaries of the proposed Warehouse Historic District have been properly notified under Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, a public hearing under Chapter 161.04 (b) subsections (2) and (3) was held on February 12, 2004 to discuss the proposed expansion of the Warehouse Historic District; and

Whereas, the Commission has recommended designation of the Warehouse Historic District as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That the following area, outlined in red on the attached map is hereby designated the Warehouse Historic District:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being bounded and described as follows:

Beginning at the centerline of West 10th Street (50 feet wide) at its intersection with the centerline of Superior Avenue, N. W. (152 feet wide); thence Northwesterly along the centerline of said West 10th Street to a point at its intersection with the centerline of Front Avenue, N. W. (80 feet wide); thence Northeasterly along the centerline of said Front Avenue, N. W. (and the portion now vacated) to the centerline of West 3rd Street (99 feet wide); thence Southeasterly along the centerline of West 3rd Street to a point at its intersection with the centerline of Superior Avenue, N. W. (152 feet wide); thence Southwesterly along the centerline of said Superior Avenue, N. W., to a point at its intersection with the centerline of West 10th Street, and the place of beginning.

**Section 2.** That the Warehouse Historic District, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Section 3.** That the designation of the area described above as the Warehouse Historic District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the City Planning Commission by the appropriate person designated for that purpose by the City Planning Commission. Further, a copy of the attached map shall be available for public inspection in the office of the Cleveland Landmarks Commission. Ordinance No. 2705-81 passed June 21, 1982 is repealed.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 755-04.**

**By Council Member Johnson.**

**An emergency ordinance to vacate a portion of Woodhill Court S.E.**

Whereas, under Resolution No. 822-03, adopted July 16, 2003, this Council declared its intention to vacate Woodhill Court S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on February 5, 2004, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and



Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Woodhill Court S.E. (10.00 feet wide) extending Westerly from the Westerly line of Woodhill Road S.E. (80.00 feet wide) to its intersection with the Northerly prolongation of the Easterly line of land conveyed to Rose Ephriam by deed recorded in Cuyahoga County Records and being also known as PPN 126-37-057.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water equipment, and Dominion East Ohio Gas equipment.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Division of Water, Dominion East Ohio Gas, and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 760-04.**

**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 without competitive bidding with Pitney Bowes for the purchase of maintenance on various mail sorters, for the Division of Water, Department of Public Utilities, for a period of three years.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source

other than Pitney Bowes. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Pitney Bowes on the basis of its proposal dated January 28, 2003, for a period of three years, for maintenance on mail sorters for the following equipment for a period not to exceed three years: R406 2586, R783 9902538, J632 1005579, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 148119.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 761-04.**

**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 without competitive bidding with Hach Company for the purchase of maintenance and calibration of turbidimeters, chlorine analyzers and particle-size analyzers, for the Division of Water, 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hach Company. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Hach Company on the basis of its proposal dated March 19, 2004, for a period of one year, for the maintenance and calibration of turbidimeters, chlorine analyzers and particle-size analyzers, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 147965.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 785-04.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance; and authorizing the Director of Consumer Affairs to enter into one or more contracts with Housing Advocates, Inc. to provide assistance to City residents.**

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 Community Development Block Grant funds in the amount of Two Hundred Thousand Dollars (\$200,000) are appropriated for anti-predatory lending and foreclosure prevention assistance programs.

**Section 2.** That the Director of Consumer Affairs is authorized to enter into one or more contracts with Housing Advocates, Inc. to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance.

**Section 3.** That the aggregate cost of the contracts shall not exceed \$200,000 and shall be paid from Fund No. 14 SF 030, Request No. 125764.

**Section 4.** That prior to expending funds under this ordinance, the Directors of Consumer Affairs and Community Development shall enter into a memorandum of understanding for this program.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 786-04.**

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

**An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept a grant from Knowledge Works Foundation for the Community Engagement 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 the City Planning Commission is authorized to apply for and accept a grant in the amount of \$100,000, from Knowledge Works Foundation to conduct the Community Engagement 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 described in the attachment for the grant contained in the file described below.

**Section 2.** That the attachment for the grant, File No. 786-04-A made a part of this ordinance as if fully rewritten, is approved in all respects.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 834-04.**

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

**An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide financing for the Nottingham Backwash Clarifier Project; determining the method of making the public improvement of constructing the improvements; and authorizing the Director of Public Utilities 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 the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$7,100,000 to provide financing for the Nottingham Backwash Clarifier Project, including but not limited to construction of two backwash clarifiers, an attenuation basin, and a backwash water clarifier sludge pump building (the "Improvement").

**Section 2.** That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, according to the fact sheet contained in File No. 834-04-A, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

**Section 3.** That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

**Section 4.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the

Improvement described above, for the Division of Water, Department of Public Utilities, 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 5.** That the Director of Public Utilities 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 6.** That, once the Improvement is completed, the Director shall use best efforts to use at least 5% efficient, renewable energy within the Improvement.

**Section 7.** That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

**Section 8.** That the cost of the Improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, and from the fund or subfunds which are credited the loan proceeds received as authorized by this ordinance, Request No. 148030.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 837-04.**

**By Council Members Dolan, Coats, Cimperman and Jackson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Laverne Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities 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 replacing the Laverne Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 No. 54 SF 001, Request No. 137486.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 838-04.**

**By Council Members Cintron, Coats, Cimperman and Jackson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 28th Street/Chatham Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities 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 replacing the West 28th Street/Chatham Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to

enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 No. 54 SF 001, Request No. 137482.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 839-04.**

**By Council Members Brady, Coats, Cimperman and Jackson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 122nd Street area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities 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 replacing the West 122nd Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 No. 54 SF 001, Request No. 137483.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 840-04.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 139th Street area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities 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 replacing the West 139th Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 No. 54 SF 001, Request No. 137484.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 841-04.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Franklin Avenue/West 25th Street area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities 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 replacing the Franklin Avenue/West 25th Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 No. 54 SF 001, Request No. 137485.

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 843-04.**

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

**An emergency ordinance to amend Section 3 of Ordinance No. 2329-03, passed February 9, 2004, relating to 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.**

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 3 of Ordinance No. 2329-03, passed February 9, 2004, is amended to read as follows:

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 166, 13 SF 806, 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. (RLs 138369 and 147536)

**Section 2.** That Section 3 of Ordinance No. 2329-03, passed February 9, 2004, 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 June 14, 2004.

Effective June 21, 2004.

---

**Ord. No. 844-04.**

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

**An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2005 Recycle, Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for 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 Service is authorized to apply for and accept a grant in the approximate amount of \$150,000 from the Ohio Department of Natural Resources, for the 2005 Recycle, Ohio! Program, for the purposes in the summary and according thereto; that the Director of Public Service 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 summary for the grant.

**Section 2.** That the summary for the grant, File No. 844-04-A made a part as if fully rewritten, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median

county per capita income (MCPICI) of the State of Ohio, payable from Fund No. 01-400307-639905, is approved in all respects.

**Section 3.** That the Director of Public Service is authorized to enter into an agreement with the Ohio Department of Natural Resources to implement the program.

**Section 4.** That the Director of Public Service is authorized to enter into one or more contracts with various agencies for the implementation and operation of the program.

**Section 5.** That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and supplies necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner which 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 a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

The cost of the contracts or contracts shall be charged against the proper appropriation account 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 certified by the Director of Finance.

**Section 6.** That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

Passed June 14, 2004.

Effective June 21, 2004.

---

**Ord. No. 848-04.**

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

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002; to supplement the ordinance by adding new Sections 2, 3, and 4; and renumbering existing Section 2 to new Section 5; relating to a grant from the Clean Ohio Assistance Fund for the Little Italy Renaissance Redevelopment 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 title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Clean Ohio Assistance Fund for the Little Italy Renaissance Redevelopment Project; and authorizing the director to enter into one or more contracts with Colman Road, LLC to implement the project.

**Section 1.** That the Director of Community Development is authorized to apply for and accept a grant in the amount of \$900,000 from the Clean Ohio Assistance Fund for the Little Italy Renaissance redevelopment Project for the purposes set forth in the application and according thereto; that the Director of Community Development 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 application for the grant.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002, are repealed.

**Section 3.** That Ordinance No. 1400-02, passed July 17, 2002, is supplemented by adding new Sections 2, 3, and 4 to read as follows:

**Section 2.** That the Director of Community Development is authorized to enter into one or more contracts with Colman Road, LLC to implement the remediation project described in Section 1 of this ordinance.

**Section 3.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

**Section 4.** That the cost of the contract or contracts authorized shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance.

**Section 4.** That existing Section 2 of Ordinance No. 1400-02, passed July 17, 2002, is renumbered to Section 5.

**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 June 14, 2004.

Effective June 21, 2004.

---

**Ord. No. 850-04.**

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

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 54317 with The**

**Pointe At Gateway, LLC, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.**

Whereas, the current owners of the Pointe at Gateway condominiums, The Pointe At Gateway, LLC, has requested the opportunity to prepay the \$250,000, three percent (3%) interest loan at its net present value determined by discounting by a rate of ten and one-half percent (10.5%) the principal payment due August 1, 2014; and

Whereas, this ordinance allows the Departments of Economic Development and Community Development to use the lump sum repayment for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

**Section 1.** That the Directors of Economic Development and Community Development are authorized to enter into an amendment to Contract No. 54317 with The Pointe At Gateway, LLC, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

**Section 2.** That the Directors of Economic Development and Community Development are authorized to accept on behalf of the City, a discounted prepayment from The Pointe At Gateway, LLC to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to ten and one-half percent (10.5%) in full satisfaction of its loan of \$250,000 due August 1, 2014, which loan originally was made to partially finance the conversion of the Finance Building into 42 apartments that were later named the Pointe at Gateway Apartments. That the Directors of Economic Development and Community Development are authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

**Section 3.** That the amendment authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest, particularly a clause which states that if the Pointe at Gateway, LLC fails to convert the apartments into condominiums prior to June 1, 2006, particularly a clause which states that if the Pointe at Gateway, LLC fails to convert the apartments into condominiums prior to June 1, 2006, an additional payment shall be made by the Pointe At Gateway, LLC to the City of Cleveland. This additional payment will represent the difference between the discounted prepayment amount and that same amount prorated from the date of the loan repayment.

**Section 4.** That the Directors of Economic Development and Community Development are authorized to release any and all collateral taken to secure repayment of the loan and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 5.** That the Directors of Economic Development and Community Development are authorized to deposit the prepayment into Fund No. 17 SF 006.

**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 June 14, 2004.

Effective June 21, 2004.

---

**Ord. No. 851-04.**

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

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 48411 with Jerome H. Schmelzer, Trustee, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.**

Whereas, the current owners of the Pointe at Gateway condominiums, Jerome H. Schmelzer, Trustee, has requested the opportunity to prepay the \$250,000, three percent (3%) interest loan at its net present value determined by discounting by a rate of eleven percent (11%) the principal payment due May 1, 2010; and

Whereas, this ordinance allows the Departments of Economic Development and Community Development to use the lump sum repayment for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

**Section 1.** That the Directors of Economic Development and Community Development are authorized to enter into an amendment to Contract No. 48411 with Jerome H. Schmelzer, Trustee, to accept a discounted prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

**Section 2.** That the Directors of Economic Development and Community Development are authorized to accept on behalf of the City, a discounted prepayment from Jerome H. Schmelzer, Trustee to be paid to the

City, in an amount equal to the net present value of the loan using a discount rate equal to eleven percent (11%) in full satisfaction of its loan of \$250,000 due May 1, 2010, which loan was originally made to partially finance the conversion of the Finance Building into 42 apartments that were later named the Pointe at Gateway Apartments. That the Directors of Economic Development and Community Development are authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

**Section 3.** That the amendment authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest, particularly a clause which states that if Jerome H. Schmelzer, Trustee fails to convert the apartments into condominiums prior to June 1, 2006, an additional payment shall be made by Jerome H. Schmelzer, Trustee to the City of Cleveland. This additional payment will represent the difference between the discounted prepayment amount and that same amount prorated from the date of the city loan repayment.

**Section 4.** That the Directors of Economic Development and Community Development are authorized to release any and all collateral taken to secure repayment of the loan and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 5.** That the Directors of Economic Development and Community Development are authorized to deposit the prepayment into Fund No. 17 SF 006.

**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 June 14, 2004.

Effective June 21, 2004.

---

**Ord. No. 860-04.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 76th and Hough to Eric Jenkins.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-001, as more fully described below, to Eric Jenkins.

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

P. P. No. 118-09-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in George M. Spangler's Subdivision of part of Original One Hundred Acre Lot Nos. 339 and 342, as shown by the recorded plat in Volume 25 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 79th Street (formerly East Madison Avenue), with the Southerly line of Hough Avenue, N.E.; (formerly Hough Avenue); thence Southerly along said Westerly line of East 79th Street, 84 feet; thence Westerly on a line parallel to said Southerly line of Hough Avenue, N.E. 130 feet; thence Northerly on a line parallel to said Westerly line of East 79th Street, 84 feet to the Southerly line of Hough Avenue, N.E.; thence Easterly along said Southerly line of Hough Avenue, N.E., 130 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the benefit of a certain easement reserved in a deed from Arthur M. Gordon and wife to Parker Shackelton, dated November 6, 1913, and recorded in Volume 1531, Page 119, of the Records of Deeds of Cuyahoga County, Ohio; but subject to easement for a driveway over the Southerly 14 feet of the premises herein described, reserved in the deed from Arthur M. Gordon to The Amdon Realty and Investment Company, dated March 26, 1915, and recorded in Volume 1656, Page 415 of Cuyahoga County Records.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 861-04.**

**By Council Member White.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 120th Street to John Griffin and Dominion Griffin.**

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). 137-15-040, as more fully described below, to John Griffin and Dominion Griffin.

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

P. P. No. 137-15-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in The Corlett and The Revere Land Company's Subdivision of part of Original One Hundred Acre Lot No. 460, as shown by the recorded plat in Volume 59 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 120th Street and extending back between parallel lines 124.95 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 862-04.**

**By Council Member Zone.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1820 West 47th Street to Ohio City Near West Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-36-078, as more fully described below, to Ohio City Near West Development Corporation or designee.

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

P. P. No. 002-36-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Dudley Baldwin's Subdivision of part of Original Brooklyn Township Lot No. 49, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 51 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 30 feet, on the Westerly side of West 47th Street (formerly Root Street) and extends back between parallel lines 124 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 905-04.**

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

**An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons, and curbs encroaching upon the public right-of-way, adjustment of castings, as necessary, and grading, seeding or re-seeding tree lawns, as necessary, on Catalpha Road from Euclid Avenue to the north end; and Cleveland Road from St. Clair to Taft Avenue.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons, and curbs encroaching upon the public right-of-way, adjustment of castings, as necessary, and grading, seeding or re-seeding tree lawns, as necessary on Catalpha Road from Euclid Avenue to the north end; and Cleveland Road from St. Clair to Taft Avenue (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 545-02, adopted April 1, 2002, as amended by Ordinance No. 1102-03, passed June 10, 2003, and amounting in the aggregate to \$249,258.62, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 905-04-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement fifty percent (50%) of each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

**Section 2.** That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

**Section 3.** That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 4.** That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

**Section 5.** That it is found and determined that all formal action 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 6.** That this ordinance is declared to be an emergency mea-

sure 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 942-04.**

**By Council Members Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Board of Education to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2003-2004 school year.**

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2003-2004 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; 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 Parks, Recreation and Properties and Finance are authorized to enter into one or more contracts with the Board of Education of the Cleveland City School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2003-2004 school year, under the program description contained in File No. 942-04-A. The cost of the contract or contracts shall not exceed \$2,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under such terms and conditions as are acceptable to the Director of Law.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 943-04.****By Council Members Johnson, White and Jackson (by departmental request).****An emergency ordinance to amend Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 2003, relating to cemetery rates.**

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 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 2003, is amended to read as follows:**Section 133.30 Cemetery Rates**

The Commissioner of Park Maintenance and Properties shall collect the following charges for services, space, and supplies at City-owned cemeteries:

		<u>CEMETERY RATES:</u>	
		<u>Mon.-Fri.</u>	<u>Sat.</u>
(a) Single grave section			
(1)	Adult grave	\$371.00	\$371.00
	Interment	337.00	506.00
	Total	708.00	877.00
(2)	Baby grave (container of 4 feet or less)	108.00	108.00
	Interment	94.00	141.00
	Total	202.00	249.00
(b) Lot sections			
(1)	Flush marker sections		
	One Grave	\$ 594.00	
	Family Lot (Two Graves)	1,188.00	
	Interment		506.00
			759.00
(2)	Raised marker section		
	One Grave	714.00	
	Family Lot (Two Graves)	1,428.00	
	Interment		506.00
			759.00
(3)	Interment in lot sections		
	A. Adult grave	506.00	759.00
	B. Adult grave – extra deep (depth of 8 feet)	621.00	931.00
	C. Interment on top of extra deep	506.00	759.00
	D. Baby grave or still born on top	94.00	141.00
	E. Cremated remains in urn	216.00	324.00
	F. Cremated remains in vault	270.00	405.00
	G. Placement of additional remains in casket at time of burial (recording fee)	94.00	94.00
(c) Urn garden section			
(1)	Single plot grave	243.00	
(2)	Interment (includes marker setting and vault)		297.00
	Saturday burials 1 1/2 times the interment charge		452.00
(d) Veteran Section Interment			
		337.00	506.00
(e) Memorial parks:			
(1)	Adult (Infirmary burial – City or County)	371.00	N/A
(2)	Baby	94.00	N/A
(f) Additional services available:			
(1)	Disinterments (Monday-Friday only)		
	A. Adult grave	1,046.00	
	B. Adult grave - extra deep	1,114.00	
	C. Baby grave	297.00	
	D. Cremated remains in urn garden	358.00	
	E. Cremated remains - location other than urn garden	229.00	



(2)	Setting and foundation charges	
	A. Markers	
	1. 18" x 10" (Baby)	102.00
	2. 2' x 1'	168.00
	3. 3' x 1' or 4' x 1'	263.00
	4. Resetting; one-half (1/2) of price listed above for replacement of same size markers	
	B. Monument foundation (per cubic foot)	26.00
	C. Veteran stones (flat granite)	168.00
	D. Flower container (installation)	21.00
(3)	Miscellaneous services	
	A. Opening and closing grave for inspection	
	1. Identify without disturbing remains	911.00
	2. Remove for autopsy; replace in open grave	992.00
	B. Private mausoleums: receipt and discharge	432.00
	C. Highland Chapel Park Mausoleum	
	1. Crypts: seal or unsealed	358.00
	2. Niches: seal or unsealed	229.00
	D. Use of chapel for services	
	1. First hour	75.00
	2. Each hour thereafter or fraction thereof	65.00
	E. Saturday burials: one and one-half (1 1/2) times the interment charge in divisions (b) through (e) of this section	

(g) Effective January 1, 2004, all rates listed in divisions (a) through (f) of this section shall be increased by four percent (4%) and shall be rounded to the nearest whole dollar on the effective date of an amendment to this section, if this section is amended before January 1, 2005.

(h) Effective January 1, 2005, all rates listed in divisions (a) through (f) of this section shall be increased an additional four percent (4%) over the four percent increase authorized in 2004, which 2004 increase shall be rounded to the nearest whole dollar, and the calculated amount resulting from the increase shall be rounded to the nearest whole dollar.

(i) Charges for damages: Anyone who causes damage to the cemetery ground, including without limitation, fences, hydrants, or headstones, and who does not restore the damaged portion to its previous condition shall be liable to the City for the City's cost of restoration.

(j) Highland Park Chapel Mausoleum:

Charges for resale of niches and crypts that have been repurchased by the City of Cleveland

1. Niches in Highland Park Mausoleum	\$1,215.00
2. Crypts in Highland Park Mausoleum Tier Level	\$3,375.00

(k) Service Charges

1. Bad Check Charge	\$ 25.00
2. Late Payment	
A. Charges not received by time of interment including checks that cannot be processed because of errors	\$ 33.00
B. Setting charges not received up to the time stone is delivered including checks that cannot be processed because of errors	\$ 33.00
C. Additional charge per day	\$ 7.00

**Section 2.** That Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1018-03, passed June 10, 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 993-04.**

**By Council Members O'Malley, Sweeney, Cimperman and Jackson.**

**An emergency ordinance approving the report of the assessment equalization board on objections concerning estimated assessments to relay and repair sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 41st Street from Schiller Avenue to Archmere Avenue; determining to proceed with the improvements; and adopting the equalized assessments.**

Whereas, the assessment equalization board appointed by Resolution No. 1003-04, adopted May 24, 2004, to hear and determine all objections concerning the estimated assessments for improvement of W 41st Street from Schiller Avenue to Archmere Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with Resolution No. 350-04, adopted March 8, 2004, has filed its report with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; 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 report of the assessment equalization board, appointed by Resolution No. 1003-04, adopted May 24, 2004, and contained in File No. 993-04-A, is approved.

**Section 2.** That the assessments as equalized by the board and recommended by it in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

**Section 3.** That it is determined to proceed to improve W 41st Street from Schiller Avenue to Archmere Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with Resolution No. 350-04, adopted March 8, 2004, (the "Resolution of Necessity").

**Section 4.** That the Improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as equalized.

**Section 5.** That the estimated assessments for the Improvements, as equalized by the Assessment Equalization Board, filed in the office of the Clerk of City Council are adopted.

**Section 6.** That it is further determined that the portion of the cost of the Improvements 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 7.** That no claims for damages resulting from the Improvements have been filed.

**Section 8.** That the cost of the Improvements shall be paid, prior to the collection of assessments, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 383, 10 SF 034, and 10 SF 166. This Council determines that the City expects to levy assessments in 2004 for the Improvements, and that the City further expects and intends to use proceeds of the assessments to reimburse Fund No. 10 SF 034 the moneys expended under this Ordinance.

**Section 9.** 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 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 994-04.**

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

**An emergency ordinance approving the report of the assessment equalization board on objections concerning estimated assessments to relay and repair sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 88th Street from Clark Avenue to Denison Avenue; determining to proceed with the improvements; and adopting the equalized assessments.**

Whereas, the assessment equalization board appointed by Resolution No. 1003-04, adopted May 24, 2004, to hear and determine all objections concerning the estimated assessments for improvement of West 88th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with Resolution No. 351-04, adopted March 8, 2004, has filed its report with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; 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 report of the assessment equalization board, appointed by Resolution No. 1004-04, adopted May 24, 2004, and contained in File No. 994-04-A, is approved.

**Section 2.** That the assessments as equalized by the board and recommended by it in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

**Section 3.** That it is determined to proceed to improve West 88th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with Resolution No. 351-04, adopted March 8, 2004 (the "Resolution of Necessity").

**Section 4.** That the Improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as equalized.

**Section 5.** That the estimated assessments for the Improvements, as equalized by the Assessment Equalization Board, filed in the office of the Clerk of City Council are adopted.

**Section 6.** That it is further determined that the portion of the cost of the Improvements 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 7.** That no claims for damages resulting from the Improvements have been filed.

**Section 8.** That the cost of the Improvements shall be paid, prior to the collection of assessments, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 383, 10 SF 034, and 10 SF 166. This Council determines that the City expects to levy assessments in 2004 for the Improvements, and that the City further expects and intends to use proceeds of the assessments to reimburse Fund No. 10 SF 034 the moneys expended under this Ordinance.

**Section 9.** 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 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1010-04.**

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

**An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.**

Whereas, the City of Cleveland has received CDBG Year 30 and Year 2004 Federal HOME Program grants from the United States Government; 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 CDBG and Federal HOME Program funds in the amount of \$1,225,000 are appropriated for the administration of the Housing Rehabilitation Programs.

**Section 2.** That the Director of Community Development 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 perform property inspections to comply with Section 8 Housing Quality Standards.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

**Section 3.** That the cost of the professional service contract or contracts shall not exceed \$1,225,000 and shall be paid from Fund No. 13 SF 983.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1011-04.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program; and authorizing the Director of Aging to enter into one or more contracts with various agencies to implement these programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; 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 Community Development Block Grant funds in the amount of One Hundred Sixty Thousand Dollars (\$160,000) from Fund No. 14 SF 030, Request No. 125770, are appropriated for costs of the Department of Aging associated with conducting the Senior Homeowners Assistance Program ("SHAP")

and the CHORE Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Aging is authorized to enter into one or more contracts with various non-profit and for-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to implement the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

**Section 3.** That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1012-04.**

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

**An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30 and 2004 Federal HOME grant funds, from the United States Government; 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 Community Development Block Grant funds from Fund No. 14 SF 030, and Federal HOME Program funds from Fund 13 SF 983, Request 125771, in the amount of \$3,435,674 are appropriated for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, and Home Maintenance Assistance Program (HMAP).

**Section 2.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

**Section 4.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 5.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1013-04.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with CDBG-eligible agencies to implement the Cityworks 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 enter into contracts with various CDBG-eligible agencies to implement the Cityworks Program.

**Section 2.** That the aggregate cost of said contracts shall be in an amount not to exceed \$235,000.00, and any remaining years CDBG Cityworks program balances from prior years, and shall be paid from Fund No. 14 SF 030, Request No. 125773.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1014-04.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

**Section 2.** That the cost of said contracts shall be in an amount not to exceed \$2,461,400.00, and shall be paid from Fund No. 14 SF 030, Request No. 125772.

**Section 3.** That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities, and such program income is hereby appropriated for those purposes.

**Section 4.** That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

**Section 5.** That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1017-04.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

**Section 2.** That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

**Section 3.** That the cost of the contracts shall not exceed \$7,384,000.00, and shall be paid from Federal HOME Grant Fund Nos. 13 SF 980 and 13 SF 983 and Community Development Block Grant Fund No.

14 SF 027, 14 SF 028, 14 SF 029 and 14 SF 030, Request No. 125776.

**Section 4.** That no funds shall be disbursed in the Ward 11 Pembroke Place Project without the written approval of the Ward 11 Council Member.

**Section 5.** That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and use the repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

**Section 6.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 7.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues generated as a result of charging fees are appropriated for additional program and operating expenses for Housing Trust Fund activities.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1018-04.**

**By Council Members Gordon, Reed, Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide social service programs.

**Section 2.** That any contract with any YMCA branch shall contain a provision stating that if the YMCA of Greater Cleveland decides to close the branch then the contract shall terminate as of that date.

**Section 3.** That the Director of Public Safety is authorized to enter into or amend contracts with various non-profit and governmental agencies to provide school safety programs.

**Section 4.** That the Director of Community Relations is authorized to enter into or amend contracts with various non-profit agencies to provide youth at risk programs.

**Section 5.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is authorized to enter into lease agreements with St. Joseph's Church of Collinwood and Greater New Calvary Baptist Church for a one year term in an amount not to exceed \$19,800.00 each to provide facilities for recreation activities.

**Section 6.** That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Directors of Public Safety, Community Relations and Parks, Recreation and Properties for the purposes described in Sections 2, 3 and 4 above.

**Section 7.** That the aggregate cost of the contracts authorized by this ordinance shall be in an amount not to exceed \$3,140,000.00 and shall be paid from Fund Nos. 14 SF 027 and 14 SF 030, Request No. 125774.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1021-04.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with C.E.A.M. Investment Corp. dba Bingham Building Grocery Store to provide economic development assistance to partially finance the acquisition of machinery and equipment to be located at 1278 West 9th Street, and all other associated costs to redevelop the property.**

Whereas, this ordinance 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 the Director of Economic Development is authorized to enter into contract with C.E.A.M. Investment Corp. dba Bingham Building Grocery Store to provide economic development assistance to partially finance the acquisition of machinery and equipment to be located at 1278 West 9th Street, and all other associated costs to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1021-04-A.

**Section 3.** That the costs of the contract shall not exceed Three Hundred Eighty Thousand Dollars

(\$380,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103620.

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

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

**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 June 14, 2004.

Effective June 16, 2004.

**Ord. No. 1025-04.**

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

**An emergency ordinance approving and ratifying a Memorandum of Understanding with ISG Cleveland Inc. and ISG Cleveland West Properties Inc., and authorizing the Directors of the City Planning Commission and Department of Economic Development to enter into various leases and agreements necessary to effectuate the purpose of the Memorandum of Understanding.**

Whereas, the City and ISG Cleveland Inc. and ISG Cleveland West Properties Inc. ("ISG") strive toward a mutually beneficial land strategy for redevelopment of certain real property owned by ISG located in the City south of I-490 and North of Harvard Avenue, in the Cuyahoga River Valley; and

Whereas, ISG has deemed that certain parcels of real property in the described area are available for sale or lease ("ISG Properties"); and

Whereas, ISG is in need of financial assistance to remediate environmental contamination and to comply with environmental regulations applicable to the ISG Properties; and

Whereas, the City desires the ISG Properties be remediated and returned to productive use; and

Whereas, the City desires a portion of the ISG Property for development of the towpath trail and development of sites to be available for commercial and industrial uses to enhance economic development in the City; and

Whereas, this ordinance 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, notwithstanding any ordinance to the contrary, this Council ratifies and approves the Memorandum of Understanding ("MOU") with ISG Cleveland Inc., and ISG Cleveland West Properties Inc. ("ISG"), executed by the Mayor, and memorializing the benefits and obligations of each party. The MOU shall be placed in File No. 1025-04-B.

**Section 2.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into an agreement to accept a strip of land on the west bank of the Cuyahoga River to accommodate future development of the towpath trail property ("Trail Parcel #1"). Trail Parcel # 1 shall begin at the southern terminus of properties owned by ISG on the west bank of the River, is of varying width, and may include ISG Properties in the bed of the River.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into an agreement to accept an approximately 0.75 acre parcel located beneath the I-490 bridge, near W. 3rd Street ("Trail Parcel #2") under the terms and conditions memorialized in the MOU.

**Section 4.** The Directors of the City Planning Commission and Department of Economic Development may enter into Easement Agreements with ISG for the conveyance to the City of certain rights in the approximately 127 acres of real property presently owned by ISG on the west bank of the Cuyahoga River, to accommodate future development of the Towpath Trail. The terms and conditions for these agreements are memorialized in the MOU.

**Section 5.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies and the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into the Coke Oven Purchase and Easement Agreements with ISG for the conveyance to the City of its ownership interest of property located at Pershing and I-77, consisting of approximately 55 acres, which includes property commonly known as Morgan Run ("Coke Oven Property"). The terms and conditions for these agreements are memorialized in the MOU. The cost to acquire the Coke Oven Property shall be \$1,000,000, or the cost to remediate environmental contamination at the Coke Oven Property, whichever is less. The City is not obligated to accept title to the Coke Oven Site if the City would be obligated to expend its own funds for any costs in excess of \$1,000,000. The cost to acquire the Coke Oven Property

shall be paid from the fund or funds appropriated for this purpose.

**Section 6.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into a Coke Oven Lease Agreement with ISG, and to sublease the Coke Oven Property. If, as a result of the City's use of the Coke Oven Property, cost of environmental remediation of the site increases, then the City shall be responsible for paying those added costs.

**Section 7.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into the ISG Vista Point Lease Agreement with ISG for the consideration and conditions memorialized in the MOU, including ISG's continuing obligations to maintain the Vista Pointe landfill and remain in compliance with applicable laws regarding the closure, post-closure, and capping of the landfill.

**Section 8.** As part of the terms and conditions of the ISG Vista Pointe Lease Agreement, the Directors of the City Planning Commission and Department of Economic Development are authorized to pay for any increase in the closure and capping costs, other than those to properly close and cap the landfill, required to accommodate and support any proposed change in use of the landfill.

**Section 9.** That the Directors of the City Planning Commission and Department of Economic Development are authorized to execute on behalf of the City all necessary documents to acquire, lease, and receive the properties described above, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental assessments and reports, and all other costs necessary for the sale, lease or donation of Trail Parcel #1 and Trail Parcel #2, the Development Parcel, the Coke Oven Property and the Vista Pointe Landfill.

**Section 10.** That the Directors of the City Planning Commission and Department of Economic Development are authorized to apply for and accept grants necessary to fulfill the purposes described in the MOU, including but not limited to grants to assist ISG with remediation of environmental contamination and to comply with environmental regulations applicable to the ISG Properties. The Directors of the City Planning Commission and Department of Economic Development are authorized to file all papers and execute all documents necessary to receive and expend the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

**Section 11.** That the Directors of the City Planning Commission and Department of Economic Development are authorized to enter into one or more contracts to implement the remediation projects described in this ordinance. The cost of the contracts authorized in this ordinance shall be paid from the fund or funds which are appropriated for this purpose and from such other

funds to which are credited the proceeds of the grants described in Section 10.

**Section 12.** That the MOU placed in the file identified in this ordinance and all documents and agreements necessary to complete the MOU shall be prepared by the Director of Law and shall contain, in addition to the terms and conditions stated in the MOU, such additional terms and conditions necessary to protect and benefit the City of Cleveland.

**Section 13.** 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 June 14, 2004.

Effective June 16, 2004.

**Ord. No. 1028-04.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Doc's Auto Clinic.**

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). 126-01-019, as more fully described below, to Doc's Auto Clinic.

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

P. P. No. 126-01-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 35 in Roger, O'Brien, McNamara and McGinness' Allotment of part of Original One Hundred Acre Lot No. 415. Said Sublot No. 35 has a frontage of 50 feet on the Easterly side of East 79th Street (formerly Madison Avenue) and extends back of equal width 150 feet deep as per plat of said Allotment, recorded in Volume 4 of Maps, Page 9 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1029-04.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Fairfax Renaissance Development 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). 126-01-082, 126-01-083, 126-02-103 and 126-02-104, as more fully described below, to

Fairfax Renaissance Development Corporation.

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

P. P. No. 126-01-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 33 feet of Sublot No. 27 in Keyes and Edward's Allotment of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 4 of Maps, Page 8 of Cuyahoga County Records, and being 33 feet front on the Easterly side of East 82nd Street (formerly Edwards Avenue) and extending back of equal width 150 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

P. P. No. 126-01-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 17 feet of Sublot No. 27 and the Northerly 16 feet of Sublot No. 26 in Keyes and Edwards' Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 4 of Maps, Page 8 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 33 feet on the Easterly side of East 82nd Street (formerly Edward Avenue), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-02-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 34 feet of Sublot No. 18 and the Northerly 17 feet of Sublot No. 19 in Roger-O'Brien-McNamara and McGinness' Allotment of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 4 of Maps, Page 9 of Cuyahoga County Records, and being 51 feet front on the Westerly side of East 82nd Street (formerly Edwards Avenue), and extending back about 123 6/10 feet on the Northerly line, about 123 feet on the Southerly line, and having a rear line of 51 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-02-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 19 and the Northerly 15 feet of Sublot No. 20 in Roger, O'Brien, McNamara and McGinness Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 4 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land 48 feet front on the Westerly side of Edward Avenue (now known as East 82nd Street), as appears by said plat.

Subject to zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the con-

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1030-04.**

**By Council Member Jones.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Oakdale Avenue to Anthony Gray.**

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). 142-13-085, as more fully described below, to Anthony Gray.

**Section 2.** That the real property to be sold pursuant to this ordi-

nance is more fully described as follows:

P. P. No. 142-13-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 48 in the Miles Heights Subdivision, of part of Original Township Lot No. 82 as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records. Said Sublot has a frontage of 40 feet on Oakdale Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1033-04.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 134th Street to Jason L. Strader and Sibley Strader.**

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). 020-02-015, as more fully described below, to Jason L. Strader and Sibley Strader.

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

P. P. No. 020-02-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 387 in the Scott-Hall-Clark Company's Settlement Road Subdivision No. 1 of Original Rockport Township Section No. 1, as shown by the recorded plat in Volume 43 of Maps, Page 23 of Cuyahoga County Records, and being 50 feet front on the Westerly side of West 134th Street, and extending back of equal width, 228.06 feet deep on the Northerly line, 279.59 feet deep on the Southerly line and 71.88 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 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 a provision that if the land is sold within five years, the land will revert to the City and contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1034-04.**  
**By Council Member Sweeney.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 139th Street to Joseph S. Weiksner, Jr.**

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). 021-07-028, as more fully described below, to Joseph S. Weiksner, Jr.

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

P. P. No. 021-07-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Block A in the Fischer Road Land Company's Fischer Boulevard Estates Subdivision of part of Original Rockport Township Section No. 20, as shown by the recorded plat in Volume 100 of Maps, Page 26 of Cuyahoga County Records, and being 20.73 feet front on the Easterly side of West 139th Street, and extending back 120.23 feet on the Northwesterly line, 120.23 feet on the Southeasterly line, and having a rear line of 20.73 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain a

provision that if the land is sold within five years, the land will revert to the City and contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed June 14, 2004.  
 Effective June 21, 2004.

**Ord. No. 1090-04.**  
**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the Dike 14 Coastal Management 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 Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$50,000, from the Ohio Department of Natural Resources to conduct the Dike 14 Coastal Management 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 described in the award letter for the grant contained in the file described below.

**Section 2.** That the award letter for the grant, File No. 1090-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

**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 June 14, 2004.  
 Effective June 21, 2004.

**Ord. No. 1091-04.**  
**By Council Members Johnson, Cimperman and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to designate a portion of Rockefeller Park as the David E. Davis Memorial Sculpture Garden ("Garden"); authorizing the Director of Parks, Recreation and Properties to accept a gift of a**

**sculpture from Bernice Davis and authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Bernice and David E. Davis Art Foundation for the installation and maintenance of the sculpture.**

Whereas, Bernice Davis has indicated a desire to make a gift of the sculpture entitled "Portals from Everywhere," valued at \$40,000, to the Department of Parks, Recreation and Properties; 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 portion of Permanent Parcel Number 121-25-002 that is north of Carnegie Avenue, excluding any roadways, is designated as the David E. Davis Memorial Sculpture Garden in Rockefeller Park ("Garden").

**Section 2.** That the Director of Parks, Recreation and Properties is authorized to give effect to this ordinance by placing of appropriate signs, nameplates, and plaques to reflect this designation.

**Section 3.** The Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties a sculpture entitled "Portals from Everywhere," valued at \$40,000, from Bernice Davis.

**Section 4.** That, notwithstanding and as an exception of the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Bernice and David E. Davis Foundation for the installation and maintenance of the sculpture.

**Section 5.** That this property adoption shall not be construed as a conveyance of any right, title, or interest in the public property, but is the grant of a privilege revocable at the will of Council.

**Section 6.** That the property adoption agreement authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

Passed June 14, 2004.  
 Effective June 21, 2004.

**Ord. No. 1092-04.**  
**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the Whiskey Island Coastal Management 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 Parks, Recreation and Properties is authorized to apply for and accept a grant in the amount of \$50,000, from the Ohio Department of Natural Resources to conduct the Whiskey Island Coastal Management 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 described in the award letter for the grant contained in the file described below.

**Section 2.** That the award letter for the grant, File No. 1092-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

**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 June 14, 2004.  
Effective June 16, 2004.

**Ord. No. 1093-04.  
By Council Members Cimperman, Gordon and Jackson (by departmental request).**

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to amend Contract No. 60459 with Bingham Building Limited Partnership to change the terms of the loan regarding the development of the Bingham Building.**

Whereas, under Ordinance Nos. 1972-01 passed December 3, 2001 and Ordinance No. 777-02, passed June 17, 2002, this Council authorized the Directors of Community Development and Economic Development to enter into a contract with Bingham Building Limited Partnership to develop the Bingham Building; and

Whereas, the Directors of Community Development and Economic Development wish to change the terms of the loan identified in the above-mentioned ordinances to provide an incentive to the Bingham Building Limited Partnership to lease commercial space to a grocery

store tenant at commercially reasonable lease rates; 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 Directors of Community Development and Economic Development are authorized to enter into an amendment to Contract No. 60459 with the Bingham Building Limited Partnership, changing the terms of the original loan to the new terms that are set forth in File No. 1093-04-A.

**Section 2.** That the amendment shall be prepared by the Director of Law and shall contain any additional provisions which he deems necessary to protect and benefit the public interest.

**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 June 14, 2004.  
Effective June 16, 2004.

**Ord. No. 1095-04.**

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

**An emergency ordinance authorizing the Director of Economic Development to accept a grant from the Ohio Department of Job and Family Services for the 2004 Workforce Investment Act grant.**

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to "... provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of the City of Cleveland ("City") as Ohio Workforce Area ("OWA") No. 3; and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2004 for the period of July 1, 2004 through June 30, 2006, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC") and the City, the City has been designated as the WIA grant recipient, administrative entity, and OWA No. 3; 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 Economic Development is authorized to accept a grant in the approximate amount of \$16,000,000.00, from the Ohio Department of Jobs and Family Services for the 2004 Workforce Investment Act grant for the delivery of allowable program services to eligible individuals. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

**Section 2.** That the following amounts are appropriated as follows to provide for administration of the WIA programs:

A.	<u>Youth Activities</u>	
	Personnel and Related Expenses . . . . .	\$ 650,000.00
B.	<u>Adult Employment and Training</u>	
	Personnel and Related Expenses . . . . .	\$ 600,000.00
C.	<u>Dislocated Worker Employment and Training</u>	
	Personnel and Related Expenses . . . . .	\$ 400,000.00

**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 June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1100-04.****By Council Member Lewis.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Everett Court to Kingdom Life Ministries.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-18-040, 106-18-041, 106-18-042 and 106-18-094, as more fully described below, to Kingdom Life Ministries.

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

P. P. No. 106-18-040

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. 342 and bounded and described as follows:

Beginning on the Southerly line of Everett Avenue, N.E., (formerly Everett Place), 35 feet wide, at a point which is distant 217.38 feet Easterly measured along said Southerly line, from it intersection with Easterly line of Addison Road, N.E., (formerly Madison Avenue); thence Southerly at right angles to said Southerly line of Everett Avenue, N.E., 80.68 feet to the Southerly line of land conveyed to Sarah A. Dellenbaugh by deed recorded in Volume 563, Page 631 of Cuyahoga County Records; thence Easterly, along the Southerly line 43.61 feet; thence Northerly and parallel with the first described line 80.64 feet to the Southerly line of Everett Avenue, N.E.; thence Westerly along said Southerly line 43.61 feet to the place of beginning and further known as Sublot No. 11 in Sarah A. Dellenbaugh's proposed Subdivision of part of Original One Hundred Acre Lot No. 342, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-18-041

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. 342, and bounded and described as follows:

Beginning on the Southerly line of Everett Avenue, N.E., at the Northwesterly corner of land conveyed to

Peter D. Quigley by deed dated June 29, 1901, and recorded in Volume 794, Page 136 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Peter D. Quigley, 80 68/100 feet to the most Southerly line of land conveyed to Florence A. Dellenbaugh by deed dated October 27, 1894 and recorded in Volume 877, Page 121 of Cuyahoga County Records; thence Westerly along said Southerly line, 43 61/100 feet to the Southwesterly corner of land so conveyed to Florence A. Dellenbaugh; thence Northerly along a Westerly line of land so conveyed to Florence A. Dellenbaugh, 80 72/100 feet to said Southerly line of Everett Avenue, N.E.; thence Easterly along said Southerly line of Everett Avenue, N.E., 43 61/100 feet to the place of beginning, and being further known as Sublot No. 12 in S.A. Dellenbaugh's Proposed Subdivision of part of Original One Hundred Acre Lot No. 342, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 106-18-042 and 106-18-094

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. 342, and bounded and described as follows:

Beginning in the Southerly line of Everett Avenue, N.E., the Southerly line of which is parallel with and distant Southerly 115 feet from the Northerly line of premises conveyed by Azariah Everett, Administrator, to Sarah A. Dellenbaugh by deed dated January 19, 1894, and recorded in Volume 563, Page 631 of Cuyahoga County Records, at a point 173.77 feet Easterly from the intersection of said Southerly line of Everett Avenue, N.E. with the Easterly line of Addison Road, N.E. (formerly East Madison Avenue); thence Southerly, at right angles to the Southerly line of Everett Avenue, N.E. 38 feet; thence Westerly, parallel with the Southerly line of Everett Avenue, N.E., 53.77 feet; thence Northerly, parallel with first described line, 38 feet to the Southerly line of Everett Avenue, N.E.; thence Easterly, along the Southerly line of Everett Avenue, N.E., 53.77 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1101-04.****By Council Member Lewis.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 66th Street to Church of God Militant Pillar and Ground of Truth.**

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-053, as more fully described below, to Church of God Militant Pillar and Ground of Truth.

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

P. P. No. 118-05-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Parcel A of the Lot Split and Consolidation for Harry and Patricia McKee, as shown by the recorded plat in Volume 245 of Maps, Page 52 of Cuyahoga County Records and formerly described as being part of Sublot No. 59 in Stevens and Case Subdivision recorded in Volume 15, Page 12 and part of Sublot No. 2 in Stone, Johnson, and Bates Allotment recorded in Volume 9, Page 20. Both Subdivisions are part of Original One Hundred Acre Lot No. 338, further bounded and described as follows:

Beginning at the Southeast corner of said Sublot No. 59 at the intersection of the North line of Lucerne

Avenue, 60 feet and the East line of East 66th Street, 60 feet. Thence North 0° 17' 30" West 124.29 feet along the East line of East 66th Street to an iron pin at the Northwest corner of said Sublot No. 2. Thence due East 90.00 feet along the North line of said Sublot No. 2 to an iron pin. Thence South 0° 17' 30" East 124.29 feet parallel to the East line of East 66th Street to an iron pin in the North line of Lucere Avenue. Thence due West 90.00 feet along the North line of Lucere Avenue to the place of beginning, be the same more or less, but subject to all legal highways. This is according to a survey by Vincent C. McGervey, Consulting Engineer Surveyor No. 4289, in August 1990.

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 parcel redevelopment plans shall be reviewed and approved by the Cleveland City Planning Commission and the authority to convey the parcel is contingent upon City Planning Commission approval of the redevelopment plans.

**Section 5.** 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 6.** 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 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1102-04.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Community Pentecostal Church.**

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 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), 107-07-023, as more fully described below, to Community Pentecostal Church.

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

P. P. No. 107-07-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in D.H. Kimberley's Subdivision of part of Original One Hundred Acre Lot No. 375 as shown by the recorded plat in Volume 18 of Maps, Page 11 of Cuyahoga County Records, and being 36-25/100 feet front on the Easterly side of East 79th Street (formerly Woolsey Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

**Section 4.** That the parcel redevelopment plans shall be reviewed and approved by the Cleveland City Planning Commission and the authority to convey the parcel is contingent upon City Planning Commission approval of the redevelopment plans.

**Section 5.** 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 6.** 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 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1103-04.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Ace Jovanovski.**

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 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), 119-09-095, as more fully described below, to Ace Jovanovski.

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

P. P. No. 119-09-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in Charles W. and Matilda W. Wason's Subdivision of part of Original One Hundred Acre Lots Nos. 392, 393, 400 and 401, as shown by the recorded plat in Volume 17 of Maps, Page 26 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 93rd Street (formerly Amesbury Avenue) and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 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 parcel redevelopment plans shall be reviewed and approved by the Cleveland City Planning Commission and the authority to convey the parcel is contingent upon City Planning Commission approval of the redevelopment plans.

**Section 5.** 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 6.** 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 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1183-04.**

**By Council Member Gordon.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Pearl Road to Rockport Lands, LTD.**

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 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). 009-06-002, as more fully described below, to Rockport Lands, LTD.

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

P. P. No. 009-06-002

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

Ohio; and known as being part of Original Brooklyn Township Lot No. 64, bounded and described as follows:

Beginning in the Northerly line of Original Lot No. 64, at its intersection with the Westerly line of the Hanna Estates Company's Bridge View Park Allotment, as recorded in Volume 77, Page 11 of Cuyahoga County Map Records; thence so 0° 27' East along the Westerly line of Hanna Estates Company's Bridge View Park Allotment, as aforesaid 355 feet; thence South 16° 53' 40" West; 503-18/100 feet to a point in the Southerly line of lands conveyed to the Hanna Estates Company by a deed recorded in Volume 1853, Page 448 of Cuyahoga County Records, said line being also the Northerly line of land conveyed to the Champion Steel Range Company by deed recorded in Volume 979, Page 603 of Cuyahoga County Records; thence South 89° 33' West along the said Hanna Estates Company's South line, 58 30/100 feet to the Easterly line of lands conveyed to the Champion Steel Range Company by deed recorded in Volume 1314, Page 523 of Cuyahoga County Records; thence North 0° 16' West along the Easterly line of said Champion Steel Range Company lands, 400 feet; thence South 89° 33' West along the Northerly line of said Champion Steel Range Company Lands 140 feet; thence North 0° 16' West along the Easterly line of said Champion Steel Range Company lands, as aforesaid and the lands conveyed to John Tompkins by deeded dated May 20, 1852, and recorded in Volume 59, Page 30 of Cuyahoga County Records, a distance of 433 66/100 feet to a stone monument in the Northerly line of said Original Brooklyn Lot No. 64; thence North 89° 33' East along the Northerly line of said Original Brooklyn Lot No. 64, a distance of 345 63/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1189-04.**

**By Council Member Westbrook.**

**An emergency ordinance to amend Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1035-04, passed May 24, 2004, relating to the unsafe structure and exterior property nuisances.**

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

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

**Section 1.** That Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1035-04, passed May 24, 2004, is amended to read as follows:

**Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violation and Remedial Notices; Cost Recovery**

(a) *Legislative Findings.*

Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

- A. Attract children to enter;
- B. Become harborage for vermin;
- C. Serve as temporary abode for delinquents, vagrants and criminals; and
- D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding such vacant, open structures invite the dumping of garbage and rubbish thereupon;

(3) Thousands of structures in this City are made of wood-frame construction that is more combustible than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, thereby increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) Such vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of said structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) The existence of certain hazardous conditions may require a structure to be vacated; such conditions include but are not limited to:

A. Danger of structural collapse;  
 B. Inadequate heat or use of dangerous heating mechanism;  
 C. Danger of fire; and  
 D. Lack of plumbing in safe working order.

(9) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

(10) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

A. Grass over 8 inches in height.  
 B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds.  
 C. Refuse including trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials.  
 D. Stagnant surface water.

(11) As used in this Chapter, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

A. Three model years old or older;  
 B. Apparently inoperable; and  
 C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission. (R.C. §505.173)

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or which constitute a fire hazard, or which are vacant and open to public entry, or which are otherwise dangerous to human life or injurious to the public, or which in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures". All such unsafe structures or conditions are hereby declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(2) The conditions listed in division (a)(10) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

(3) Junk motor vehicles as defined in division (a)(11) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

A. They harbor rodents, vermin, and other pests;  
 B. They contain toxic substances and flammable liquids and fumes;

C. They attract children to enter;  
 D. They serve as temporary abode for derelicts, vagrants and criminals;

E. They diminish neighboring property values; and,

F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

(1) *Permits:*

Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within 3 days of receiving a notice of violation, to the Division of Building and Housing for a permit to board. The Division of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within 3 days of the issuance of a boarding permit, or within such other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit upon the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit subsequent to effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials:*

The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such openings shall be secured by plywood, not less than 1/2" thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches wide shall be framed with 2" x 4" lumber and plywood, or equivalent material fastened twenty-four inches on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance:*

Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure which is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises

shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation:*

Rehabilitation of the structure shall commence within 30 days of receiving a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless such time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not commence within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of such examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe pursuant to division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter upon the premises to secure the structure in order to lessen the severity of the public nuisance. In securing such structure, the Director may call upon any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. Such securing shall not be deemed to constitute "effective boarding" pursuant to division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared pursuant to division (d)(2) of this section, unless so declared in writing by the Director. Subsequent notice, issued pursuant to division (e)(1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or portion thereof to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this Chapter, he shall forward by certified mail to the owner, agent or

person in control of such building, structure or portion thereof and to any mortgagee of record a written notice of violation stating the defects thereof. Such notice of violation shall require the owner within a stated time to abate the nuisance condition of such structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition and removal of the building, structure, or portion thereof. The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs. The handing of the violation notice to the owner, agent or person in control of the building, structure or portion thereof is legal and valid service and no other form of service is necessary (actual notice).

(2) If the person to whom such notice and order is addressed is not found after a reasonable and diligent search, then such notice and order shall be sent by certified mail to his tax mailing address, if available, as indicated on the County tax duplicate, and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed legal service of such notice.

(3) An owner, agent or person in control of such structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees thereof of such notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or portion thereof after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of such notice.

(4) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Ohio Revised Code including the Ohio Building Code, or any outstanding notice to demolish and remove.

No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building

without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained pursuant to this division and, within ten days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. The Director may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.*

The Director may also require in the notice issued pursuant to division (e)(1) of this section that the building, structure or portion thereof be vacated, not be reoccupied, or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to such building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." Such notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove such notice without written permission of the Director, nor shall any person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure pursuant to division (d)(4) of this section.

(g) *Right to Appeal.*

The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with such notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in such notice from the Director. In the absence of an appeal, all actions taken pursuant thereto shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

(1) Director Authorized To Demolish, Remove, or Abate. In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this Chapter.

(2) Action by Director of Law. The Director may advise the Director of Law of the facts in the case,

who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of such building or structure pending rehabilitation.

(3) Rehabilitation Permits Not Bar To Director's Action To Abate. The securing of rehabilitation permits for such building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) Effective Boarding by Director. The Director may, with respect to any condemned structure, also take appropriate action to effectively board such structure, or to secure it pursuant to division (d)(4) of this section. The Director shall specifically state in writing his findings with respect to such structure, and shall determine whether to secure or to effectively board, based upon factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) Failure To Comply with Notice. In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, or to remove or abate any other condition that is defined as a nuisance under this Chapter, the Director may take appropriate action to take repair or maintenance measures or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance upon factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) Notice of Intent To Demolish. Except as provided in subsection (i) hereof, the Director shall give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least 30 days prior to such intended action by the City. Such notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that subsequently becomes open to entry, may then be demolished and removed, subject to the Director giving written notice as stated in divisions (e)(1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.

(i) *Junk Motor Vehicle Removal*

(1) Notice. The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this

Chapter, is left. This notice shall notify the person having right of possession of the property that within ten days of mailing of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property. The notice shall also be posted in a conspicuous place on the property.

(2) Director Authorized To Remove Junk Motor Vehicles. The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten days of the date of mailing and posting of the notice as set forth above.

(j) *Cases of Emergency.*

In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or any abutting land or structure, with such assistance and at such cost as he deems necessary. He may request the Director of Public Safety to enforce the orders he gives that are necessary to cause the building, structure or portion thereof to be made safe or removed. The Director of Public Safety has the authority to enforce such orders. He may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs.*

(1) Any and all expenses or costs incurred under this section for the removal, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money.

(2) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, a fee of \$100.00 shall be charged for each such inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

(3) If the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied within 30 days from the date the Director of Building and Housing sends a statement of the charges and costs incurred therein, the Director may certify such amount to the Commissioner of Assessments and Licenses. The Commissioner of Assessments and Licenses shall make written return

to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of such labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon such lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting thereof in accordance with Ohio R.C. 715.261.

(4) Notwithstanding the method of collection set forth in this division, the Director of Law may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party.

**Section 2.** That existing Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1035-04, passed May 24, 2004, 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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1193-04.**

**By Council Member Britt.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Fairfax Renaissance Development Corporation for the Community Partnership Program through the use of Ward 6 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 the Fairfax Renaissance Development Corporation for the Community Partnership Program for the public purpose of providing community support referral services to Cleveland residents through the use of Ward 6 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$6,400 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1194-04.**

**By Council Member Britt.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Elderly Housing Development and Operations Corporation for purchasing a senior housing facility through the use of Ward 6 Neighborhood Equity Funds in order to carry out the public purpose of providing affordable housing to the residents of the City of Cleveland.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with the Elderly Housing Development and Operations Corporation for purchasing a senior housing facility through the use of Ward 6 Neighborhood Equity Funds in order to carry out the public purpose of providing affordable housing to the residents of the City of Cleveland.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1195-04.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Burton Bell Carr Development Corporation for the Community Partnership Program through the use of Ward 5 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 the Burton Bell Carr Development Corporation for the Community Partnership Program for the public purpose of providing social support activities and social service referrals for Cleveland residents through the use of Ward 5 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$6,400 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1196-04.**  
**By Council Member Jackson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Slavic Village Development Corporation for the North Broadway Coming Together Celebration through the use of Ward 5 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 the Slavic Village Development Corporation for the North Broadway Coming Together Celebration for the public purpose of providing educational activities on various social support services and enrichment programs for Cleveland residents through the use of Ward 5 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$950 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1197-04.**  
**By Council Member Johnson.**  
**An emergency ordinance authorizing the Director of Public Safety Department to enter into an agreement with Buckeye Area Development Corporation for Safety and Security Program through the use of Ward 4 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 Public Safety Department is authorized to enter into an agreement with Buckeye Area Development Corporation for Safety and Security Program for the public purpose of providing safety education to Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1198-04.**  
**By Council Member Jones.**  
**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Amistad Development Corporation for the Lee-Harvard-Seville-Miles Community Festival through the use of Ward 1 Neighborhood Equity Funds in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Amistad Development Corporation for the Lee-Harvard-Seville-Miles Community Festival through the use of Ward 1 Neighborhood Equity Funds in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1199-04.**  
**By Council Member Lewis.**  
**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Consortium for Economic and Community Development for the Revitalizing Our Community Program through the use of Ward 7 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 Economic Development is authorized to enter into an agreement with the Consortium for Economic and Community Development for the Revitalizing Our Community Program for the public purpose of promoting economic and residential redevelopment in Cleveland neighborhoods through the use of Ward 7 Neighborhood Equity Funds.

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

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

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

Passed June 14, 2004.  
Effective June 21, 2004.

**Ord. No. 1200-04.**  
**By Council Member Lewis.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Consortium for Economic and Community Development for the Community Social Referral Program through the use of Ward 7 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 the Consortium for Economic and Community Development for the Community Social Referral Program for the public purpose of providing social service referrals and educational activities on various social service programs for Cleveland residents through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall



contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1201-04.**

**By Council Member Pierce-Scott.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Famicos Foundation for the Sustaining Our Neighborhood 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 Director of Community Development is authorized to enter into an agreement with the Famicos Foundation for the Sustaining Our Neighborhood Program for the public purpose of promoting housing preservation and neighborhood development for Cleveland neighborhoods through the use of Ward 8 Neighborhood Equity Funds.

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1202-04.**

**By Council Member Pierce-Scott.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeast Neighborhood Development Corporation for the Community Partnership 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 Director of Community Development is author-

ized to enter into an agreement with the Northeast Neighborhood Development Corporation for the Community Partnership Program for the public purpose of providing social service referrals and educational activities on various community development programs for Cleveland residents through the use of Ward 8 Neighborhood Equity Funds.

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1203-04.**

**By Council Member Pierce-Scott.**  
**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Glenville Safezone for their Clean Break program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 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 Director of Community Development is authorized to enter into a grant agreement with Glenville Safezone for their Clean Break program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1204-04.**

**By Council Member Reed.**  
**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the Promoting Employment for Clevelanders Program through the use of Ward 3 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 Economic Development is authorized to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the Promoting Employment for Clevelanders Program for the public purpose of providing employment assistance and job readiness assessment to Cleveland residents through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$24,180 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1205-04.**

**By Council Member Reed.**  
**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Thea Bowman Center for the Mt. Pleasant Community Orchestra in order to carry out the public purpose of providing recreational and educational programming for the residents of the City of Cleveland through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with the Thea Bowman Center for the Mt. Pleasant Community Orchestra in order to carry out the public purpose of providing recreational and educational programming for the residents of the City of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$40,250 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall

contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1206-04.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Muhammad University for their Youth Computer/After School program in order to carry out the public purpose of providing educational programming through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Muhammad University for their Youth Computer/After School program in order to carry out the public purpose of providing educational programming through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$22,278 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1207-04.**

**By Council Member Rybka.**

**An emergency ordinance authorizing the expenditure of monies raised by taxation to provide or assist in providing, housing pursuant to Section 10 of Article VIII, of the Ohio Constitution which program for housing assistance has been approved by the City of Cleveland Housing Advisory Board pursuant to requirements of the Ohio Constitution and the Ohio Revised Code; and authorizing the Director of Community Development to enter into contracts with individuals and/or families for housing assistance in Ward 12 through the use of Ward 12 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 contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland pursuant to Section 16, Article VIII of the Ohio Constitution.

**Section 2.** That, prior to entering into those contracts or expending any funds, the Director of Community Development shall receive approval, by resolution of the City's Board of Control, of the amount of each mortgage loan and/or grant to be issued pursuant to each contract authorized herein.

**Section 3.** That the cost of the contracts authorized shall not exceed in the aggregate \$100,000 and shall be paid from Fund No. 10 SF 166.

**Section 4.** That the Director of Community Development is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program

**Section 5.** That the Director of Community Development is authorized to accept monies in repayment of loans authorized in the ordinance and to deposit those monies in Fund No. 10 SF 166.

**Section 6.** That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover the cost incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 10 SF 166.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1208-04.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Bellaire-Puritas Development Corporation for their Home Rebate Program in order to carry out the public purpose of providing home repair assistance to the residents of the City of Cleveland through the use of Ward 20 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Bellaire-Puritas Development Corporation for their Home Rebate Program effective from June 1, 2004 to June 30, 2006 in order to carry out the public purpose of providing home repair assistance to the residents of the City of Cleveland through the use of Ward 20 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$99,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1209-04.**

**By Council Member White.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Union-Miles Development Corporation for their Community Employment Resources Center program in order to carry out the public purpose of providing job opportunities for the residents of the City of Cleveland through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with the Union-Miles Development Corporation for their Community Employment Resources Center program in order to carry out the public purpose of providing job opportunities for the residents of the City of Cleveland through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$36,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1210-04.**  
**By Council Members White, Pierce-Scott, Conwell, Sweeney.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the African American Music Association, Inc. for their You Won't Foul Out with an Education 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 2, 8, 9 and 20 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with the African American Music Association, Inc. for their You Won't Foul Out with an Education 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 2, 8, 9 and 20 Neighborhood Equity Funds.

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

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

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1211-04.**  
**By Council Members Zone, Westbrook, Brady, Sweeney and Dolan.**

**An emergency ordinance authorizing the Director of Finance to enter into contract for the purchase of computer and information technology equipment for the Cleveland Division of Police First District Vice-Unit through the use of Restricted Income Tax funds after a dollar for dollar exchange of NEF funds for Restricted Income Tax funds.**

Whereas, Codified Ordinance Section 191.0101 provides that Restricted Income Tax funds shall only be applied to certain payments; and

Whereas, the Department of Finance has agreed to exchange NEF funds for Restricted Income Tax funds; and

Whereas, this type of exchange and similar exchanges will increase revenue to the City's general fund; and

Whereas, NEF dollars from Wards 17, 18, 19, 20 and 21 were exchanged dollar for dollar for Restricted Income Tax funds; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Finance is hereby authorized to enter into a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase of computer and information technology equipment for the Cleveland Division of Police First District Vice-Unit.

**Section 2.** That the cost of said contract shall be paid from Fund No. 10 SF 166 and/or Fund No. 11 SF 006.

**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 June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1212-04.**

**By Council Member Pierce Scott.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the St. Clair Superior Development Corporation to stretch banners at the intersections of East 53rd & St. Clair (north and south), East 55th & Superior (north and south) and 71st & St. Clair Avenue (north and south), for the period from August 7, 2004 to August 31, 2004, inclusive, publicizing the Neighborhood Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to KidsHealth 2020 to install, maintain and remove banners at the intersection of East 53rd & St. Clair (north and south), East 55th & Superior (north and south) and 71st & St. Clair Avenue (north and south), for the period from August 7, 2004 to August 31, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1213-04.**  
**By Council Members Zone, Cintron and Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch banners at the intersections of West 65th and Lorain, West 25th and Clark, West 14th near Annunciation Church and the area of the West Side Market, for the period from July 1, 2004 to July 18, 2004, inclusive, publicizing the Puerto Rican Festival & Parade.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to install, maintain and remove banners at the intersections of West 65th and Lorain, West 25th and Clark, West 14th near Annunciation Church and the area of the West Side Market for the period from July 1, 2004 to July 18, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1214-04.**  
**By Council Members Zone and Westbrook.**

**An emergency ordinance consenting and approving the issuance of a permit for the 14th Annual Dr. John Carey Memorial AIDS Walk/Run, on September 19, 2004, coordinated by Kropf Public Relations, Inc.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 14th Annual Dr. John Carey Memorial AIDS Walk/Run, coordinated by Kropf Public Relations, Inc., on September 14, 2004, with the Walk route beginning at Edgewater Park, the 5K route takes participants west on Edgewater Drive to West 117th St., south on West 117th St., east on Clifton, north on West Blvd., back to Edgewater Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 14, 2004.

Effective June 21, 2004.

**Ord. No. 1215-04.**

**By Council Member Jones.**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 4345 Lee Road for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Amistad Development Corporation.**

Whereas, the Director of Community Development has requested the purchase of property located at 4345 Lee Road for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Amistad Development Corporation (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

**Section 1.** That 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 future redevelopment once vacated:

P. P. No. 143-05-013

**Sublot No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being Sublot No. 259 and parts of Sublots Nos. 258 and 257 and part of Block A in the Lee Miles Subdivision of part of Original Warrensville Township Lot No. 83, recorded in Volume 102 of Maps, Page 22 of Cuyahoga County Map Records, and a part of Original Warrensville Township Lot No. 83, and bounded and described as follows:

Beginning in the center of Lee Road (80 feet wide) at a point which is 298.11 feet Southerly measured along center line of Lee Road, from its point of intersection with the Northerly line of said Original Lot No. 83; thence South along said center line a distance of 357.42 feet to a point; thence South 89° 14' 00" East a distance of 459.34 feet to a point on the Westerly line of East 167 Street (50 feet wide); thence North 13° 18' 00" East along said Westerly line of East 167 Street; a distance of 96.96 feet to a point; thence North 76° 42' 00" West a distance of 138.00 feet to a point; thence North 10° 47' 11" East a distance of 55.11 feet to a point; thence North 13° 18' 00" East a distance of 182.03 feet to a point; thence North 89° 14' 00" West a distance of 390.93 feet to the center line of Lee Road and the place of beginning, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey 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 not exceed ten dollars (\$10.00) and other valuable considerations determined as fair market value.

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

**Section 5.** That this Council finds that, the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

**Section 6.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for a price of ten dollars (\$10.00) and other valuable considerations determined as fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 7.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as

their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 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 June 14, 2004.

Effective June 16, 2004.

**Ord. No. 1225-04.**

**By Council Member Pierce-Scott.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Lee Memorial AME Church to stretch a banner at the intersection of East 105th and Bryant Road, for the period from June 14, 2004 to July 13, 2004, inclusive, honoring the Reverend Wesley I. Reed's appointment to Bishophood.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Lee Memorial AME Church to install, maintain and remove a banner at the intersection of East 105th and Bryant Avenue, for the period from June 14, 2004 to July 13, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 14, 2004.

Effective June 21, 2004.

**COUNCIL COMMITTEE MEETINGS**

NO MEETINGS

# Index

O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
 Bold type in sections indicates amendments

## **Aging Department**

Senior Homeowners Assistance Program (SHAP) and the CHORE Program — CDBG funds —  
 appropriate (O 1011-04) ..... **1279**

## **Agreements**

Fairfax Renaissance Development Corporation — Community Partnership Program — Ward 6  
 NEF (O 1193-04) ..... **1291**

## **Assessment Equalization Board**

W. 41st St. (between Schiller Ave. to Archmere Ave.) — approve assessment equalization  
 board report — estimated assessments — sidewalks, driveway aprons and curbs (O 993-04) ..... **1278**  
 W. 88th St. (between Clark Ave. to Denison Ave.) — approve assessment equalization board  
 report — estimated assessments — sidewalks, driveway aprons, and curbs (O 994-04)..... **1278**

## **Banners**

Lee Memorial AME Church — honoring Reverend Wesley I. Reed's appointment to Bishophood  
 (O 1225-04)..... **1296**  
 Puerto Rican Festival & Parade (O 1213-04) ..... **1295**  
 St. Clair Superior Development Corporation — Neighborhood Festival (O 1212-04) ..... **1295**

## **Board of Building Standards and Building Appeals**

Broadview Road, 2118, (Ward 15) — Janeen and Hikmat Dakdouk, owners — appeal postponed  
 to 6/30/04 on 6/16/04 (Doc. A-32-04) ..... 1252  
 East 146th Street, 1087, (Ward 10) — Bessie Cameron, owner — appeal resolved on 6/16/04 (Doc. A-38-04) ..... 1252  
 East 57th Street, 4006, (Ward 12) — John P. Tucky, Owner — appeal adopted on 6/16/04 (Doc. A-33-04) ..... 1252  
 East 94th Street, 1394 (, 1394-96 East 94th Street), (Ward 7) — Andre' Hancock, Owner —  
 appeal adopted on 6/16/04 (Doc. A-35-04)..... 1252  
 Euclid Avenue, 3121, (Ward 7) — Robert Mintz / White Hat Management, owner — appeal  
 resolved on 6/16/04 (Doc. A-51-04)..... 1252  
 Harvard Avenue, 5713, 5713-19-21 Harvard Avenue, (Ward 12) — Susan Soeder, owner — appeal  
 withdrawn on 6/16/04 (Doc. A-28-04) ..... 1251  
 N. Marginal Road, 1501, (Ward 13) — The City of Cleveland — Burke Lakefront Airport c/o  
 Champ Car World Series Cleveland LLC, Owner — appeal adopted on 6/16/04 (Doc. A-45-04) ..... 1252  
 North Marginal Road, 4001, (Ward 13) — The City of Cleveland, owner — extension of time  
 to 7/31/04 granted on 6/16/04 (Doc. A-21-04) ..... 1252  
 West 160th Street, 4700, (Ward 21) — Oatey Co., Owner — appeal adopted on 6/16/04 (Doc. A-46-04) ..... 1252  
 West 41st Street, 3152, (Ward 14) — National City Mortgage Co., mortgagee — appeal  
 withdrawn on 6/16/04 (Doc. A-30-04) ..... 1252  
 West 50th Street, 3172, (Ward 17) — Kenneth D. Icke, owner — appeal resolved on 6/16/04 (Doc. A-36-04) ..... 1252

## **Board of Control — Burke Lakefront Airport Division**

Engineering services — approve subconsultant — BOC Res. 237-04 — Dept. of Port Control (BOC Res. 369-04) ..... 1248

## **Board of Control — Cleveland Hopkins International Airport Division**

Engineering services — approve subconsultant — BOC Res. 237-04 — Dept. of Port Control (BOC Res. 369-04) ..... 1248

## **Board of Control — Engineering and Construction Division**

Kinsman Road reconstruction (E. 93rd St. to eastern corporate line) — approve  
 subcontractors — BOC Res. 166-04 — Dept. of Public Service (BOC Res. 370-04) ..... 1248

## **Board of Control — Finance Department**

Natural gas — contract per Ord. 832-04 to FirstEnergy Solutions Corp. (BOC Res. 375-04)..... 1250

## **Board of Control — Motor Vehicle Maintenance Division**

Automotive paints and supplies — contract per Ord. 1973-03 to William Wolf and Co. —  
 Dept. of Public Service (BOC Res. 372-04) ..... 1249

## **Board of Control — Parks, Recreation and Properties Department**

Beverages — amend BOC Res. 242-04 — Division of Recreation (BOC Res. 373-04) ..... 1249  
 Motors and pumps, electric — contract per Ord. 1889-03 to Al's High Tech, Inc., d.b.a.  
 Al's Electric Motor Service — Division of Property Management (BOC Res. 374-04) ..... 1249

**Board of Control — Port Control Department**

Air planning studies — contract per Ord. 2380-02, 468-04 to LaCosta Consulting Group, Inc. (BOC Res. 368-04) .....	1248
Engineering services — approve subconsultant — BOC Res. 237-04 — Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport (BOC Res. 369-04) .....	1248

**Board of Control — Professional Service Contracts**

Air planning studies — contract per Ord. 2380-02, 468-04 to LaCosta Consulting Group, Inc. — Dept. of Port Control (BOC Res. 368-04) .....	1248
Engineering services — approve subconsultant — BOC Res. 237-04 — Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 369-04) .....	1248

**Board of Control — Property Management Division**

Motors and pumps, electric — contract per Ord. 1889-03 to Al's High Tech, Inc., d.b.a. Al's Electric Motor Service — Dept. of Parks, Recreation and Properties (BOC Res. 374-04) .....	1249
--	------

**Board of Control — Public Improvement Contracts**

Kinsman Road reconstruction (E. 93rd St. to eastern corporate line) — approve subcontractors — BOC Res. 166-04 — Division of Engineering and Construction, Dept. of Public Service (BOC Res. 370-04) .....	1248
--	------

**Board of Control — Public Service Department**

Automotive paints and supplies — contract per Ord. 1973-03 to William Wolf and Co. — Division of Motor Vehicle Maintenance (BOC Res. 372-04) .....	1249
Front-end loader and roll off dumpster containers and freight — rescind BOC Res. 214-04 and 215-04 — reject all bids — Division of Waste Collection and Disposal (BOC Res. 371-04) .....	1249
Kinsman Road reconstruction (E. 93rd St. to eastern corporate line) — approve subcontractors — BOC Res. 166-04 — Division of Engineering and Construction (BOC Res. 370-04) .....	1248

**Board of Control — Public Utilities Department**

Waste disposal, hazardous and non-hazardous and environmental equipment — per Ord. 2316-03 — all bids rejected — Division of Water (BOC Res. 367-04) .....	1248
--	------

**Board of Control — Recreation Division**

Beverages — amend BOC Res. 242-04 — Dept. of Parks, Recreation and Properties (BOC Res. 373-04) .....	1249
---	------

**Board of Control — Requirement Contracts**

Automotive paints and supplies — contract per Ord. 1973-03 to William Wolf and Co. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 372-04) .....	1249
Beverages — amend BOC Res. 242-04 — Division of Recreation, Dept. of Parks, Recreation and Properties (BOC Res. 373-04) .....	1249
Front-end loader and roll off dumpster containers and freight — rescind BOC Res. 214-04 and 215-04 — reject all bids — Division of Waste Collection and Disposal, Dept. of Public Service (BOC Res. 371-04) .....	1249
Motors and pumps, electric — contract per Ord. 1889-03 to Al's High Tech, Inc., d.b.a. Al's Electric Motor Service — Division of Property Management, Dept. of Parks, Recreation and Properties (BOC Res. 374-04) .....	1249
Natural gas — contract per Ord. 832-04 to FirstEnergy Solutions Corp. — Dept. of Finance (BOC Res. 375-04) .....	1250

**Board of Control — Waste Collection and Disposal Division**

Front-end loader and roll off dumpster containers and freight — rescind BOC Res. 214-04 and 215-04 — reject all bids — Dept. of Public Service (BOC Res. 371-04) .....	1249
--	------

**Board of Control — Water Division**

Waste disposal, hazardous and non-hazardous and environmental equipment — per Ord. 2316-03 — all bids rejected — Dept. of Public Utilities (BOC Res. 367-04) .....	1248
--	------

**Board of Education**

Cleveland Board of Education — contracts — recreational, cultural, and extracurricular programs — 2003-2004 school year (O 942-04) .....	1275
--	------

**Board of Zoning Appeals — Report**

Bennington Avenue, 12913, (Ward 20) — The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty, d.b.a. Hope West Academy, prospective tenant — appeal granted and adopted on 6/21/04 (Cal. 04-76) .....	1251
Broadway Avenue, 5836, (Ward 12) — Family Dollar Store, c/o Brad Butler, agent — appeal heard on 6/21/04 (Cal. 04-106) .....	1251

East 101st Street, 1259, (Ward 8) — Horizon Construction c/o Bill Hahn, owner — appeal granted and adopted on 6/21/04 (Cal. 04-99) ..... 1251

East 105th Street, 1430-58, (Unit A), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-113) ..... 1251

East 105th Street, 1430-58, (Unit B), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-114) ..... 1251

East 105th Street, 1430-58, (Unit C), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-115) ..... 1251

East 105th Street, 1430-58, (Unit D), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-116) ..... 1251

East 105th Street, 1430-58, (Unit E), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-117) ..... 1251

East 105th Street, 1430-58, (Unit F), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-118) ..... 1251

East 105th Street, 1430-58, (Unit G), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-119) ..... 1251

East 105th Street, 1430-58, (Unit H), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-120) ..... 1251

East 105th Street, 1430-58, (Unit I), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-121) ..... 1251

East 105th Street, 1430-58, (Unit J), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-122) ..... 1251

East 105th Street, 1430-58, (Unit K), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-123) ..... 1251

East 105th Street, 1430-58, (Unit L), (Ward 8) — Famicos Foundation, owner, c/o Beth Graham — appeal granted and adopted on 6/21/04 (Cal. 04-124) ..... 1251

East 117th Street, 515, (Ward 9) — Mark Gomes, owner and Shana McDade, tenant — appeal dismissed on 6/21/04 (Cal. 04-92)..... 1251

Franklin Boulevard, 4702, (Ward 17) — Jack Kline, owner — appeal heard on 6/21/04 (Cal. 04-103) ..... 1251

Kipling Avenue, 15712, (Ward 11) — The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty, d.b.a. Hope East Academy, prospective tenant - appeal granted and adopted on 6/21/04 (Cal. 04-74) ..... 1251

Lakeshore Boulevard, 17600, (Ward 11) — Attila Gyorki, owner — appeal granted and adopted on 6/21/04 (Cal. 04-112) ..... 1251

Lakeshore Boulevard, 17636, (Ward 11) — Gerald Westmoreland, owner — appeal heard on 6/21/04 (Cal. 04-101) ..... 1251

Lyric Avenue, 13835, (Ward 20) — Douglas Brown, owner — appeal granted and adopted on 6/21/04 (Cal. 04-47) ..... 1251

Miles Avenue, 14300, (Ward 1) — Michael Sudman, owner and Cathy Eaton, tenant — appeal postponed to 7/26/04 on 6/21/04 (Cal. 04-125) ..... 1251

Montrose Road, 14601, (Ward 19) — Cleveland Municipal School District c/o Gary Zath, agent — appeal heard on 6/21/04 (Cal. 04-109)..... 1251

Orville Avenue, 11409, (Ward 9) — Cleyon Davidson, owner — appeal granted and adopted on 6/21/04 (Cal. 04-83)..... 1251

Scranton Road, 2572, (Ward 14) — Charles Christopher Real Estate, owner — appeal heard on 6/21/04 (Cal. 04-127) ..... 1251

South Hills Drive, 4522, (Ward 15) — Douglas Moore, owner — appeal heard on 6/21/04 (Cal. 04-100)..... 1251

St. Clair Avenue, 10721-23, (Ward 8) — Eric Sims and Joann Drish, co-owners — appeal granted and adopted on 6/21/04 (Cal. 04-55) ..... 1251

Vineyard Avenue, 8713, (Ward 2) — Angie Hubbard, owner — appeal heard on 6/21/04 (Cal. 04-102)..... 1251

West 20th Street, 2493, (Ward 14) — Stefan Was, owner — appeal heard on 6/21/04 (Cal. 04-126) ..... 1251

West 99th Street, 3348, (Ward 18) — Edwin Lopez, owner — appeal dismissed on 6/21/04 (Cal. 04-89)..... 1251

**Board of Zoning Appeals — Schedule**

Ansell Road, 1552, (Ward 7) — Patricia Allen, owner — appeal to be heard on 7/6/04 (Cal. 04-142) ..... 1250

Bridge Avenue, 5718, (Ward 17) — Norma Rodriguez, owner — appeal to be heard on 7/6/04 (Cal. 04-139)..... 1250

Clark Avenue, 4798, (Ward 14) — Yousif Hamdeh, owner — appeal to be heard on 7/6/04 (Cal. 04-138)..... 1250

Fidelity Avenue, 11113, (Ward 19) — Cheryl Lusardo, owner — appeal to be heard on 7/6/04 (Cal. 04-137)..... 1250

Mohamed, Mahad — appeal to be heard on 7/6/04 (Cal. 04-140)..... 1250

West 122nd Street, 3559, (Ward 19) — Hammad Hammad, owner — appeal to be heard on 7/6/04 (Cal. 04-144) ..... 1250

Westropp Avenue, 14222, (Ward 10) — Cleveland Housing Network, owner and Rysar Properties, agent — appeal to be heard on 7/6/04 (Cal. 04-141)..... 1250

**Buckeye Area Development Corporation**

Safety and Security Program — Ward 4 NEF (O 1197-04)..... **1292**

**Cemeteries**

Cemetery rates — amend Section 133.30 (O 943-04) ..... **1276**

**City of Cleveland Bids**

Anti-freeze / coolant — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 1976-03 — bid due July 15, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1254
Asbestos surveys and environmental reports — Department of Building and Housing — per Ord. 252-04 — bid due July 1, 2004 (advertised 6/16/2004 and 6/23/2004) .....	1253
Biological testing media and appurtenances — Department of Public Utilities — Division of Water — per Ord. 485-96 — bid due July 29, 2004 (advertised 6/23/2004 and 6/30/2004).....	1254
Cab / chassis with 16-cubic yard sewer cleaner body — Department of Finance — per Ord. 1169-03 — bid due July 21, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1254
Decontamination unit body — Department of Public Safety — Division of Fire - per Ord. 206-04 — bid due July 15, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1254
Dive rescue equipment — Department of Public Safety — Division of Fire — per Ord. 3-04 — bid due July 15, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Fire hose, 1-3/4 inch — Department of Public Safety — Division of Fire — per Ord. 3-04 — bid due July 14, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Fire hose, 4 inch — Department of Public Safety — Division of Fire — per Ord. 3-04 — bid due July 14, 2004 (advertised 6/23/2004 and 6/30/2004).....	1253
Laboratory equipment, testing and analytical services — Department of Public Utilities — Division of Water — per Ord. 485-96 — bid due July 29, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1254
Mass casualty unit body — Department of Public Safety — Division of Emergency Medical Service — per Ord. 206-04 — bid due July 21, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1254
Medical supplies — Department of Public Safety — Division of Emergency Medical Service — per Ord. 2232-03 — bid due July 7, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Office equipment, new — purchase and installation — Department of Economic Development — Division of Workforce Development — per Ord. 1518-03 — bid due June 30, 2004 (advertised 6/16/2004 and 6/23/2004).....	1253
Office equipment, re-furnished — purchase and installation — Department of Economic Development — Division of Workforce Development — per Ord. 1518-03 — bid due June 30, 2004 (advertised 6/16/2004 and 6/23/2004).....	1253
Rope rescue equipment — Department of Public Safety — Division of Fire — per Ord. 3-04 — bid due July 15, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Snow and ice removal at health centers — Department of Public Health — Division of Health — per Ord. 419-04 — bid due July 2, 2004 (advertised 6/16/2004 and 6/23/2004) .....	1253
Superior Avenue resurfacing — Department of Public Service — Division of Engineering and Construction — per Ord. 867-2000 — bid due July 8, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Thermal imaging cameras — Department of Public Safety — Division of Fire — per Ord. 3-04 — bid due July 14, 2004 (advertised 6/23/2004 and 6/30/2004) .....	1253
Underground storage tank removal — Department of Building and Housing — per Ord. 252-04 — bid due July 1, 2004 (advertised 6/16/2004 and 6/23/2004).....	1253
Water plant residuals, hauling and disposing of — Department of Public Utilities — Division of Water — per Ord. 2314-03 — bid due July 23, 2004 (advertised 6/16/2004 and 6/23/2004).....	1253

**City Planning Commission**

Community Engagement Program — grant — Knowledge Works Foundation — City Planning Commission (O 786-04).....	1269
ISG Cleveland Inc. and ISG Cleveland West Properties Inc. — Memorandum of Understanding — Mayor — City Planning Commission and Dept. of Economic Development (O 1025-04).....	1281
Warehouse Historic District — Establishing — Repealing Ord. No. 2705-81 (O 709-04) .....	1268

**Codified Ordinances**

Cemetery rates — amend Section 133.30 (O 943-04) .....	1276
Setting out containers — amend Sec. 551.04 (O 2461-03).....	1258
Unsafe structure and exterior property nuisances — amend Sec. 3103.09 (O 1189-04).....	1288

**Community Development**

Aetna Ave. — Land Reutilization Program — Cedric Nunn (O 629-04).....	1265
African American Music Association, Inc. — You Won't Foul Out with an Education program — Wards 2,8,9 and 21 NEF (O 1210-04).....	1295
Amistad Development Corporation — Land Reutilization Program — scattered site (Ward 1) (O 631-04) .....	1265
Amistad Development Corporation — Lee-Harvard-Seville-Miles Community Festival — Ward 1 NEF (O 1198-04).....	1292
Anti-predatory lending and foreclosure prevention assistance — Community Development Block Grant funds — Consumer Affairs (O 785-04).....	1269
Bellaire-Puritas Development Corporation — Home Rebate Program — Ward 20 NEF (O 1208-04).....	1294
Bingham Building Limited Partnership — amend Contract No. 60459 — development of the Bingham Building (O 1093-04) .....	1285
Broadway Ave., 9127 — Land Reutilization Program — Chris Penman and Amelia Penman (O 636-04) .....	1267
Burton Bell Carr Development Corporation — Community Partnership Program — Ward 5 NEF (O 1195-04).....	1291
Cityworks Program — contracts — CDBG-eligible agencies (O 1013-04).....	1279
Consortium for Economic and Community Development — Community Social Referral Program — Ward 7 NEF (O 1200-04).....	1292
E. 120th St. — Land Reutilization Program — John Griffin and Dominion Griffin (O 861-04) .....	1274



E. 66th St. — Land Reutilization Program — Church of God Militant Pillar and Ground of Truth (O 1101-04) ..... 1286

E. 76th St. & Hough Ave. — Land Reutilization Program — Eric Jenkins (O 860-04) ..... 1273

E. 79th St. — Land Reutilization Program — Community Pentecostal Church (O 1102-04) ..... 1287

E. 79th St. — Land Reutilization Program — Doc's Auto Clinic (O 1028-04)..... 1282

E. 82nd St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1029-04)..... 1282

E. 93rd St. — Land Reutilization Program — Ace Jovanovski (O 1103-04) ..... 1287

Elderly Housing Development and Operations Corporation — senior housing facility — purchase — Ward 6 NEF (O 1194-04)..... 1291

Everett Court — Land Reutilization Program — Kingdom Life Ministries (O 1100-04)..... 1286

Fairfax Renaissance Development Corporation — Community Partnership Program — Ward 6 NEF (O 1193-04) ..... 1291

Famicos Foundation — Sustaining Our Neighborhood Program — Ward 8 NEF (O 1201-04)..... 1293

Glenville Safezone — Clean Break program — Ward 8 NEF (O 1203-04)..... 1293

Housing Rehabilitation Programs — CDBG and Federal Home Program funds appropriate — property inspections — compliance with Section 8 Housing Quality Standards (O 1010-04)..... 1278

Housing Trust Fund Program — contracts — various housing development entities (O 1017-04) ..... 1280

Housing, commercial, industrial and real estate development activities — enter or amend contracts — various agencies (O 1014-04)..... 1279

Jerome H. Schmelzer, Trustee — amendment to Contract No. 48411 — discount prepayment— UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 851-04) ..... 1273

Lee Rd., 4345 — purchase property and convey — Amistad Development Corporation (O 1215-04) ..... 1296

Little Italy Renaissance Redevelopment Project — grant — Clean Ohio Assistance Fund — amend Ord. 1400-02 (O 848-04)..... 1272

Low Interest Loan and Grant Programs — appropriate CDBG funds and Federal HOME fund (O 1012-04)..... 1279

Memphis Ave., 7010-14 — sell City-owned property — Rysar Properties, Inc. (O 160-04)..... 1247

Muhammad University — Youth Computer/ After School program — Ward 3 NEF (O 1206-04)..... 1294

Northeast Neighborhood Development Corporation — Community Partnership Program — Ward 8 NEF (O 1202-04)..... 1293

Oakdale Ave. — Land Reutilization Program — Anthony Gray (O 1030-04) ..... 1283

P. P. N. 118-26-067 — transfer property — from Parks, Recreation and Properties to Community Development Department (O 980-03)..... 1257

Pearl Rd. — Land Reutilization Program — Rockport Lands, LTD. (O 1183-04)..... 1288

Senior Homeowners Assistance Program (SHAP) and the CHORE Program — CDBG funds — appropriate (O 1011-04) ..... 1279

Slavic Village Development Corporation — North Broadway Coming Together Celebration — Ward 5 NEF (O 1196-04)..... 1292

Social service programs — contract — various agencies — various Directors of City Departments — Memoranda of Understanding — lease agreement — various non-profit agencies — facilities for recreation activities (O 1018-04)..... 1280

St. Luke's housing development project — public improvement — Community Development and Public Service (O 579-04) ..... 1263

The Pointe At Gateway, LLC — amendment to Contract No. 54317 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 850-04) ..... 1272

Thea Bowman Center — for the Mt. Pleasant Community Orchestra — recreational and educational programming — Ward 3 NEF (O 1205-04)..... 1293

Union-Miles Development Corp. — Community Employment Resources Center program — Ward 2 NEF (O 1209-04)..... 1294

W. 134th St. — Land Reutilization Program — Jason L. Strader and Sibley Strader (O 1033-04) ..... 1283

W. 139th St. — Land Reutilization Program — Joseph S. Weiksner, Jr. (O 1034-04) ..... 1284

W. 19th St. — Land Reutilization Program — Sammy Catania and Thomas C. Catania (O 628-04) ..... 1265

W. 47th St., 1820 — Land Reutilization Program — Ohio City Near West Development Corp. (O 862-04) ..... 1274

Ward 12 — housing assistance — expenditure of monies raised by taxation — Ward 12 NEF (O 1207-04)..... 1294

**Community Development Block Grant Program**

Anti-predatory lending and foreclosure prevention assistance — CDBG funds — Consumer Affairs (O 785-04) ..... 1269

Cityworks Program — contracts — CDBG-eligible agencies (O 1013-04)..... 1279

Housing Rehabilitation Programs — CDBG and Federal Home Program funds appropriate — property inspections — compliance with Section 8 Housing Quality Standards (O 1010-04)..... 1278

Low Interest Loan and Grant Programs — appropriate CDBG funds and Federal HOME fund (O 1012-04)..... 1279

Senior Homeowners Assistance Program (SHAP) and the CHORE Program — CDBG funds — appropriate (O 1011-04) ..... 1279

**Community Relations Board**

Social service programs — contract — various agencies — various Directors of City Departments — Memoranda of Understanding — lease agreement — various non-profit agencies — facilities for recreation activities (O 1018-04)..... 1280

**Consumer Affairs**

Anti-predatory lending and foreclosure prevention assistance — CDBG funds — Consumer Affairs (O 785-04) .....	1269
---	------

**Contracts**

Bingham Building Limited Partnership — amend Contract No. 60459 — development of the Bingham Building (O 1093-04) .....	1285
C.E.A.M. Investment Corp. dba Bingham Building Grocery Store — contract — acquisition of machinery at 1278 W. 9th St. — Economic Development (O 1021-04) .....	1280
Cityworks Program — CDBG-eligible agencies (O 1013-04) .....	1279
Cleveland Board of Education — recreational, cultural, and extracurricular programs — 2003-2004 school year (O 942-04) .....	1275
Goodtime Cruise Line, Inc. — City Contract No. 52942 — amendment — community tours (O 96-04) .....	1258
Hach Company — calibration of turbidimeters, chlorine analyzers and particle-size analyzers — Division of Water (O 761-04) .....	1269
Housing Trust Fund Program — various housing development entities (O 1017-04) .....	1280
Housing, commercial, industrial and real estate development activities — enter or amend contracts — various agencies (O 1014-04) .....	1279
Jerome H. Schmelzer, Trustee — amendment to Contract No. 48411 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 851-04) .....	1273
Pitney Bowes — mail sorters, for the Division of Water (O 760-04) .....	1269
SBC Ohio — Ohio Bell Telephone Company — pay telephones at various City facilities (O 318-04) .....	1258
Social service programs — various agencies — various Directors of City Departments — Memoranda of Understanding — lease agreement — various non-profit agencies — facilities for recreation activities (O 1018-04) .....	1280
The Pointe At Gateway, LLC — amendment to Contract No. 54317 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 850-04) .....	1272

**Economic Development Department**

Bingham Building Limited Partnership — amend Contract No. 60459 — development of the Bingham Building (O 1093-04) .....	1285
C.E.A.M. Investment Corp. dba Bingham Building Grocery Store — contract — acquisition of machinery at 1278 W. 9th St. (O 1021-04) .....	1280
Collaborative for Organizing Mt. Pleasant, Inc. — Promoting Employment for Clevelanders Program — Ward 3 NEF (O 1204-04) .....	1293
Consortium for Economic Development and Community Development — Revitalizing Our Community Program — Ward 7 NEF (O 1199-04) .....	1292
ISG Cleveland Inc. and ISG Cleveland West Properties Inc. — Memorandum of Understanding — Mayor — City Planning Commission and Dept. of Economic Development (O 1025-04) .....	1281
Jerome H. Schmelzer, Trustee — amendment to Contract No. 48411 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 851-04) .....	1273
The Pointe At Gateway, LLC — amendment to Contract No. 54317 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 850-04) .....	1272
Workforce Investment Act grant 2004 — grant — Ohio Department of Jobs and Family Services (O 1095-04) .....	1285

**Famicos Foundation**

Sustaining Our Neighborhood Program — Ward 8 NEF (O 1201-04) .....	1293
--	------

**Finance Department**

Catalpha Rd. — Cleveland Rd. — sidewalks, driveway aprons, and curbs — relay and repair — grading, seeding or re-seeding tree lawns (O 905-04) .....	1275
Cleveland Board of Education — contracts — recreational, cultural, and extracurricular programs — 2003-2004 school year (O 942-04) .....	1275
First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04) .....	1295
SBC Ohio — Ohio Bell Telephone Company — contract — pay telephones at various City facilities (O 318-04) .....	1258

**Gifts**

David E. Davis Memorial Sculpture Garden (“Garden”) — designate — a portion of Rockefeller Park — accept a gift — sculpture (O 1091-04) .....	1284
---	------

**Goodtime Cruise Line**

City Contract No. 52942 — amendment — community tours (O 96-04) .....	1258
---	------

**Grants**

BWC Safety Grant Program — Ohio Bureau of Workers' Compensation — stair chair — purchase (O 624-04) ..... **1264**  
 Community Engagement Program — Knowledge Works Foundation — City Planning Commission (O 786-04) ..... **1269**  
 Dike 14 Coastal Management Program — Ohio Department of Natural Resources — Parks, Recreation and Properties Department (O 1090-04) ..... **1284**  
 Little Italy Renaissance Redevelopment Project — Clean Ohio Assistance Fund — amend Ord. 1400-02 (O 848-04)..... **1272**  
 Recycle, Ohio! Program, 2005 — Ohio Department of Natural Resources — Public Service Dept. (O 844-04)..... **1272**  
 Whiskey Island Coastal Management Program — Ohio Department of Natural Resources — professional consultants — rehabilitation study (O 1092-04)..... **1284**  
 Workforce Investment Act grant 2004 — Ohio Department of Jobs and Family Services (O 1095-04)..... **1285**

**Historic Landmark District**

Warehouse Historic District — Establishing — Repealing Ord. No. 2705-81 (O 709-04) ..... **1268**

**Land Reutilization Program**

Aetna Ave. — Cedric Nunn (O 629-04) ..... **1265**  
 Amistad Development Corporation — scattered site (Ward 1) (O 631-04) ..... **1265**  
 Broadway Ave., 9127 — Chris Penman and Amelia Penman (O 636-04) ..... **1267**  
 E. 120th St. — John Griffin and Dominion Griffin (O 861-04) ..... **1274**  
 E. 66th St. — Church of God Militant Pillar and Ground of Truth (O 1101-04) ..... **1286**  
 E. 76th St. & Hough Ave. — Eric Jenkins (O 860-04)..... **1273**  
 E. 79th St. — Community Pentecostal Church (O 1102-04)..... **1287**  
 E. 79th St. — Doc's Auto Clinic (O 1028-04)..... **1282**  
 E. 82nd St. — Fairfax Renaissance Development Corporation (O 1029-04)..... **1282**  
 E. 93rd St. — Ace Jovanovski (O 1103-04) ..... **1287**  
 Everett Court — Kingdom Life Ministries (O 1100-04) ..... **1286**  
 Oakdale Ave. — Anthony Gray (O 1030-04) ..... **1283**  
 Pearl Rd. — Rockport Lands, LTD. (O 1183-04) ..... **1288**  
 W. 134th St. — Jason L. Strader and Sibley Strader (O 1033-04)..... **1283**  
 W. 139th St. — Joseph S. Weiksner, Jr. (O 1034-04) ..... **1284**  
 W. 19th St. — Sammy Catania and Thomas C. Catania (O 628-04)..... **1265**  
 W. 47th St., 1820 — Ohio City Near West Development Corp. (O 862-04) ..... **1274**

**Liquor Permits**

Caine Ave., 13208 — objection (Ward 1) (R 1219-04) ..... **1255**  
 E. 135th St., 3218 — objection (Ward 4) (R 1218-04)..... **1255**  
 Fleet Ave., 5407 — objection (Ward 12) (R 1222-04)..... **1256**  
 Harvard Ave., 17324 — objection (Ward 1) (R 1220-04) ..... **1255**  
 Lorain Ave., 3501 — objection — withdraw (Ward 14) (R 1217-04) ..... **1254**  
 St. Clair Ave., 15914 — objection (Ward 11) (R 1221-04)..... **1256**  
 W. 105th St., 3506 — objection (Ward 19) (R 1223-04) ..... **1256**  
 W. 25th St., 2132 - objection (Ward 14) (R 1224-04)..... **1257**

**Little Italy**

Little Italy Renaissance Redevelopment Project — grant — Clean Ohio Assistance Fund — amend Ord. 1400-02 (O 848-04)..... **1272**

**Loans**

Jerome H. Schmelzer, Trustee — amendment to Contract No. 48411 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 851-04) ..... **1273**  
 The Pointe At Gateway, LLC — amendment to Contract No. 54317 — discount prepayment — UDAG loan — Pointe at Gateway apartments into condominiums — conversion (O 850-04) ..... **1272**  
 Water Supply Revolving Loan Account loan — apply — Nottingham Backwash Clarifier Project (O 834-04)..... **1270**

**Mayor's Office**

ISG Cleveland Inc. and ISG Cleveland West Properties Inc. — Memorandum of Understanding — Mayor — City Planning Commission and Dept. of Economic Development (O 1025-04)..... **1281**

**Memoranda of Understanding**

ISG Cleveland Inc. and ISG Cleveland West Properties Inc. — Mayor — City Planning Commission and Dept. of Economic Development (O 1025-04) ..... **1281**  
 Social service programs — contract — various agencies — various Directors of City Departments — lease agreement — various non-profit agencies — facilities for recreation activities (O 1018-04)..... **1280**

**Neighborhood Equity Funds**

African American Music Association, Inc. — You Won't Foul Out with an Education program — Wards 2,8,9 and 21 (O 1210-04) .....	1295
Amistad Development Corporation — Lee-Harvard-Seville-Miles Community Festival — Ward 1 (O 1198-04) .....	1292
Bellaire-Puritas Development Corporation — Home Rebate Program — Ward 20 (O 1208-04) .....	1294
Buckeye Area Development Corporation — Safety and Security Program — Ward 4 (O 1197-04) .....	1292
Burton Bell Carr Development Corporation — Community Partnership Program — Ward 5 (O 1195-04) .....	1291
Collaborative for Organizing Mt. Pleasant, Inc. — Promoting Employment for Clevelanders Program — Ward 3 (O 1204-04) .....	1293
Consortium for Economic and Community Development — Community Social Referral Program — Ward 7 (O 1200-04) .....	1292
Consortium for Economic Development and Community Development — Revitalizing Our Community Program — Ward 7 (O 1199-04) .....	1292
Elderly Housing Development and Operations Corporation — senior housing facility — purchase — Ward 6 (O 1194-04) .....	1291
Fairfax Renaissance Development Corporation — Community Partnership Program — Ward 6 (O 1193-04) .....	1291
Famicos Foundation — Sustaining Our Neighborhood Program — Ward 8 (O 1201-04) .....	1293
First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04) .....	1295
Glenville Safezone — Clean Break program — Ward 8 (O 1203-04) .....	1293
Muhammad University — Youth Computer/ After School program — Ward 3 (O 1206-04) .....	1294
Northeast Neighborhood Development Corporation — Community Partnership Program — Ward 8 (O 1202-04) .....	1293
Thea Bowman Center — for the Mt. Pleasant Community Orchestra — recreational and educational programming — Ward 3 (O 1205-04) .....	1293
Union-Miles Development Corp. — Community Employment Resources Center program — Ward 2 (O 1209-04) .....	1294
Ward 12 — housing assistance — expenditure of monies raised by taxation — Ward 12 (O 1207-04) .....	1294

**Ohio City Near West Development Corporation**

W. 47th St., 1820 — Land Reutilization Program (O 862-04) .....	1274
---	------

**Ohio Department of Natural Resources**

Dike 14 Coastal Management Program — grant — Parks, Recreation and Properties Department (O 1090-04) .....	1284
Recycle, Ohio! Program, 2005 — grant — Public Service Dept. (O 844-04) .....	1272
Whiskey Island Coastal Management Program — grant — professional consultants — rehabilitation study (O 1092-04) .....	1284

**Ohio Environmental Protection Agency**

Water Supply Revolving Loan Account loan — apply — Nottingham Backwash Clarifier Project (O 834-04) .....	1270
--	------

**Paint Refund Program**

Low Interest Loan and Grant Programs — appropriate CDBG funds and Federal HOME fund (O 1012-04) .....	1279
--	------

**Parks, Recreation and Properties Department**

Cleveland Board of Education — contracts — recreational, cultural, and extracurricular programs — 2003-2004 school year (O 942-04) .....	1275
David E. Davis Memorial Sculpture Garden ("Garden") — designate — a portion of Rockefeller Park — accept a gift — sculpture (O 1091-04) .....	1284
Dike 14 Coastal Management Program — grant — Ohio Department of Natural Resources (O 1090-04) .....	1284
Goodtime Cruise Line, Inc. — City Contract No. 52942 — amendment — community tours (O 96-04) .....	1258
Kappa Alpha Psi Fraternity House of Cleveland, Ohio, Inc. — 12300 Shaker Boulevard — purchase property (O 627-04) .....	1264
P. P. N. 118-26-067 — transfer property — from Parks, Recreation and Properties to Community Development Department (O 980-03) .....	1257
Social service programs — contract — various agencies — various Directors of City Departments — Memoranda of Understanding — lease agreement — various non-profit agencies — facilities for recreation activities (O 1018-04) .....	1280
Whiskey Island Coastal Management Program — grant — Ohio Department of Natural Resources — professional consultants — rehabilitation study (O 1092-04) .....	1284

**Permits**

Dr. John Carey Memorial AIDS Walk/Run, 14th Annual — Kropf Public Relations, Inc. (O 1214-04) .....	1295
---	------

**Personnel Department**

Workforce Investment Act grant 2004 — grant — Ohio Department of Jobs and Family  
Services (O 1095-04) ..... **1285**

**Police Division**

First District Vice-Unit — Cleveland Division of Police — computer and information technology  
equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**

**Predatory Lending**

Anti-predatory lending and foreclosure prevention assistance — Community Development  
Block Grant funds — Consumer Affairs (O 785-04)..... **1269**

**Purchases and Supplies Division**

Kappa Alpha Psi Fraternity House of Cleveland, Ohio, Inc. — 12300 Shaker Boulevard —  
purchase property (O 627-04)..... **1264**  
Lee Rd., 4345 — purchase property and convey — Amistad Development Corporation (O 1215-04) ..... **1296**  
Memphis Ave., 7010-14 — sell City-owned property — Rysar Properties, Inc. (O 160-04)..... **1247**

**Resolutions - Miscellaneous**

American Heroes Day — Proclaiming September 11, 2004 — each anniversary thereafter (R 1191-04) ..... **1254**

**Revenue Bonds**

Water Revenue Bonds — \$175,000,000 — issuance and sale (O 574-04) ..... **1259**

**Safety Department**

Buckeye Area Development Corporation — Safety and Security Program — Ward 4 NEF (O 1197-04) ..... **1292**  
BWC Safety Grant Program — grant — Ohio Bureau of Workers' Compensation — stair chair  
— purchase (O 624-04)..... **1264**  
First District Vice-Unit — Cleveland Division of Police — computer and information  
technology equipment — purchase — exchange of NEF funds for Restricted Income Tax  
funds (O 1211-04) ..... **1295**  
Social service programs — contract — various agencies — various Directors of City  
Departments — Memoranda of Understanding — lease agreement — various non-profit  
agencies — facilities for recreation activities (O 1018-04)..... **1280**

**Service Department**

Dr. John Carey Memorial AIDS Walk/Run, 14th Annual — permit — Kropf Public  
Relations, Inc. (O 1214-04) ..... **1295**  
Lee Memorial AME Church — banner — honoring Reverend Wesley I. Reed's appointment to  
Bishophood (O 1225-04) ..... **1296**  
Puerto Rican Festival & Parade — banners (O 1213-04) ..... **1295**  
Recycle, Ohio! Program, 2005 — grant — Ohio Department of Natural Resources — Public  
Service Dept. (O 844-04) ..... **1272**  
Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge  
approaches, utility box, casting adjustments, and appurtenances — amend Ord. No.  
2329-03 (O 843-04) ..... **1271**  
St. Clair Superior Development Corporation — banners — Neighborhood Festival (O 1212-04) ..... **1295**  
St. Luke's housing development project — public improvement — Community Development and  
Public Service (O 579-04) ..... **1263**  
W. 41st St. (between Schiller Ave. to Archmere Ave.) — approve assessment equalization  
board report — estimated assessments — sidewalks, driveway aprons and curbs (O 993-04) ..... **1278**  
W. 88th St. (between Clark Ave. to Denison Ave.) — approve assessment equalization board  
report — estimated assessments — sidewalks, driveway aprons, and curbs (O 994-04)..... **1278**  
Woodhill Court S.E. — vacate (O 755-04) ..... **1268**

**Sewers**

Franklin Avenue/West 25th Street area sewer system — public improvement — installing  
manholes and catch basins (O 841-04) ..... **1271**  
Laverne Avenue area sewer system — public improvement — installing manholes and catch  
basins (O 837-04)..... **1270**  
West 122nd Street area sewer system — public improvement — installing manholes and  
catch basins (O 839-04) ..... **1271**  
West 139th Street area sewer system — public improvement — installing manholes and  
catch basins (O 840-04) ..... **1271**  
West 24th Street/Chatham Avenue area sewer system — public improvement — installing  
manholes and catch basins (O 838-04) ..... **1270**

**Sidewalks**

Catalpha Rd. — Cleveland Rd. — sidewalks, driveway aprons, and curbs — relay and repair — grading, seeding or re-seeding tree lawns (O 905-04).....	1275
Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances — amend Ord. No. 2329-03 (O 843-04) .....	1271
W. 41st St. (between Schiller Ave. to Archmere Ave.) — approve assessment equalization board report — estimated assessments — sidewalks, driveway aprons and curbs (O 993-04).....	1278
W. 88th St. (between Clark Ave. to Denison Ave.) — approve assessment equalization board report — estimated assessments — sidewalks, driveway aprons, and curbs (O 994-04).....	1278

**Slavic Village Development Corporation**

North Broadway Coming Together Celebration — Ward 5 NEF (O 1196-04) .....	1292
---	------

**Street Vacation**

Woodhill Court S.E. — vacate (O 755-04) .....	1268
---	------

**Trees**

Catalpha Rd. — Cleveland Rd. — sidewalks, driveway aprons, and curbs — relay and repair — grading, seeding or re-seeding tree lawns (O 905-04).....	1275
---	------

**Union-Miles Development Corporation**

Community Employment Resources Center program — Ward 2 NEF (O 1209-04) .....	1294
--	------

**Utilities Department**

Franklin Avenue/West 25th Street area sewer system — public improvement — installing manholes and catch basins (O 841-04).....	1271
Hach Company — contracts — calibration of turbidimeters, chlorine analyzers and particle-size analyzers — Division of Water (O 761-04).....	1269
Laverne Avenue area sewer system — public improvement — installing manholes and catch basins (O 837-04).....	1270
Pitney Bowes — contracts — mail sorters, for the Division of Water (O 760-04).....	1269
Water Revenue Bonds — \$175,000,000 — issuance and sale (O 574-04) .....	1259
Water Supply Revolving Loan Account loan — apply — Nottingham Backwash Clarifier Project (O 834-04).....	1270
West 122nd Street area sewer system — public improvement — installing manholes and catch basins (O 839-04).....	1271
West 139th Street area sewer system — public improvement — installing manholes and catch basins (O 840-04).....	1271
West 24th Street/Chatham Avenue area sewer system — public improvement — installing manholes and catch basins (O 838-04).....	1270

**Ward 01**

Amistad Development Corporation — Land Reutilization Program — scattered site (O 631-04).....	1265
Amistad Development Corporation — Lee-Harvard-Seville-Miles Community Festival — NEF (O 1198-04) ...	1292
Caine Ave., 13208 — objection — liquor permit (R 1219-04) .....	1255
Harvard Ave., 17324 — objection — liquor permit (R 1220-04).....	1255
Lee Rd., 4345 — purchase property and convey — Amistad Development Corporation (O 1215-04) .....	1296
Oakdale Ave. — Land Reutilization Program — Anthony Gray (O 1030-04) .....	1283

**Ward 02**

Aetna Ave. — Land Reutilization Program — Cedric Nunn (O 629-04).....	1265
African American Music Association, Inc. — You Won't Foul Out with an Education program — Wards 2,8,9 and 21 NEF (O 1210-04).....	1295
Broadway Ave., 9127 — Land Reutilization Program — Chris Penman and Amelia Penman (O 636-04) .....	1267
E. 120th St. — Land Reutilization Program — John Griffin and Dominion Griffin (O 861-04) .....	1274
Union-Miles Development Corp. — Community Employment Resources Center program — NEF (O 1209-04) .....	1294

**Ward 03**

Collaborative for Organizing Mt. Pleasant, Inc. — Promoting Employment for Clevelanders Program — NEF (O 1204-04).....	1293
Muhammad University — Youth Computer/ After School program — NEF (O 1206-04).....	1294
Thea Bowman Center — for the Mt. Pleasant Community Orchestra — recreational and educational programming — NEF (O 1205-04).....	1293

**Ward 04**

Buckeye Area Development Corporation — Safety and Security Program — NEF (O 1197-04).....	1292
E. 135th St., 3218 — objection — liquor permit (R 1218-04) .....	1255
Woodhill Court S.E. — vacate (O 755-04) .....	1268

**Ward 05**

Burton Bell Carr Development Corporation — Community Partnership Program — NEF (O 1195-04)..... **1291**  
 Slavic Village Development Corporation — North Broadway Coming Together Celebration —  
 NEF (O 1196-04) ..... **1292**

**Ward 06**

E. 79th St. — Land Reutilization Program — Doc's Auto Clinic (O 1028-04)..... **1282**  
 E. 82nd St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1029-04) ... **1282**  
 Elderly Housing Development and Operations Corporation — senior housing facility  
 — purchase — NEF (O 1194-04)..... **1291**  
 Fairfax Renaissance Development Corporation — Community Partnership Program — NEF (O 1193-04),.... **1291**  
 Little Italy Renaissance Redevelopment Project — grant — Clean Ohio Assistance Fund —  
 amend Ord. 1400-02 (O 848-04)..... **1272**  
 St. Luke's housing development project — public improvement — Community Development and  
 Public Service (O 579-04) ..... **1263**

**Ward 07**

Consortium for Economic and Community Development — Community Social Referral Program  
 — NEF (O 1200-04)..... **1292**  
 Consortium for Economic Development and Community Development — Revitalizing Our  
 Community Program — NEF (O 1199-04) ..... **1292**  
 E. 66th St. — Land Reutilization Program — Church of God Militant Pillar and Ground of  
 Truth (O 1101-04) ..... **1286**  
 E. 76th St. & Hough Ave. — Land Reutilization Program — Eric Jenkins (O 860-04) ..... **1273**  
 E. 79th St. — Land Reutilization Program — Community Pentecostal Church (O 1102-04) ..... **1287**  
 E. 93rd St. — Land Reutilization Program — Ace Jovanovski (O 1103-04) ..... **1287**  
 Everett Court — Land Reutilization Program — Kingdom Life Ministries (O 1100-04)..... **1286**

**Ward 08**

African American Music Association, Inc. — You Won't Foul Out with an Education program  
 — Wards 2,8,9 and 21 NEF (O 1210-04)..... **1295**  
 Famicos Foundation — Sustaining Our Neighborhood Program — NEF (O 1201-04)..... **1293**  
 Glenville Safezone — Clean Break program — NEF (O 1203-04) ..... **1293**  
 Lee Memorial AME Church — banner — honoring Reverend Wesley I. Reed's appointment to  
 Bishophood (O 1225-04) ..... **1296**  
 Northeast Neighborhood Development Corporation — Community Partnership Program — NEF  
 (O 1202-04)..... **1293**  
 St. Clair Superior Development Corporation — banners — Neighborhood Festival (O 1212-04) ..... **1295**

**Ward 09**

African American Music Association, Inc. — You Won't Foul Out with an Education program  
 — Wards 2,8,9 and 21 NEF (O 1210-04)..... **1295**

**Ward 10**

Catalpha Rd. — Cleveland Rd. — sidewalks, driveway aprons, and curbs — relay and  
 repair — grading, seeding or re-seeding tree lawns (O 905-04)..... **1275**

**Ward 11**

St. Clair Ave., 15914 — objection — liquor permit (R 1221-04)..... **1256**

**Ward 12**

Fleet Ave., 5407 — objection — liquor permit (R 1222-04)..... **1256**  
 Ward 12 — housing assistance — expenditure of monies raised by taxation — NEF (O 1207-04) ..... **1294**

**Ward 13**

Bingham Building Limited Partnership — amend Contract No. 60459 — development of the  
 Bingham Building (O 1093-04) ..... **1285**  
 C.E.A.M. Investment Corp. dba Bingham Building Grocery Store — contract — acquisition  
 of machinery at 1278 W. 9th St. — Economic Development (O 1021-04) ..... **1280**  
 Franklin Avenue/West 25th Street area sewer system — public improvement — installing  
 manholes and catch basins (O 841-04) ..... **1271**  
 Puerto Rican Festival & Parade — banners (O 1213-04) ..... **1295**  
 W. 19th St. — Land Reutilization Program — Sammy Catania and Thomas C. Catania (O 628-04) ..... **1265**  
 Warehouse Historic District — Establishing — Repealing Ord. No. 2705-81 (O 709-04) ..... **1268**

**Ward 14**

Lorain Ave., 3501 — objection — withdraw — liquor permit (R 1217-04)..... **1254**  
 Puerto Rican Festival & Parade — banners (O 1213-04) ..... **1295**  
 W. 25th St., 2132 — objection — liquor permit (R 1224-04)..... **1257**  
 West 24th Street/Chatham Avenue area sewer system — public improvement — installing  
 manholes and catch basins (O 838-04) ..... **1270**

**Ward 15**

Pearl Rd. — Land Reutilization Program — Rockport Lands, LTD. (O 1183-04)..... **1288**

**Ward 16**

W. 41st St. (between Schiller Ave. to Archmere Ave.) — approve assessment equalization board report — estimated assessments — sidewalks, driveway aprons and curbs (O 993-04)..... **1278**

**Ward 17**

Dr. John Carey Memorial AIDS Walk/Run, 14th Annual — permit — Kropf Public Relations, Inc. (O 1214-04)..... **1295**  
 First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**  
 Puerto Rican Festival & Parade — banners (O 1213-04)..... **1295**  
 W. 47th St., 1820 — Land Reutilization Program — Ohio City Near West Development Corp. (O 862-04)..... **1274**

**Ward 18**

Dr. John Carey Memorial AIDS Walk/Run, 14th Annual — permit — Kropf Public Relations, Inc. (O 1214-04)..... **1295**  
 First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**  
 W. 88th St. (between Clark Ave. to Denison Ave.) — approve assessment equalization board report — estimated assessments — sidewalks, driveway aprons, and curbs (O 994-04)..... **1278**

**Ward 19**

First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**  
 W. 105th St., 3506 — objection — liquor permit (R 1223-04)..... **1256**  
 West 122nd Street area sewer system — public improvement — installing manholes and catch basins (O 839-04)..... **1271**  
 West 139th Street area sewer system — public improvement — installing manholes and catch basins (O 840-04)..... **1271**

**Ward 20**

Bellaire-Puritas Development Corporation — Home Rebate Program — NEF (O 1208-04)..... **1294**  
 First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**  
 W. 134th St. — Land Reutilization Program — Jason L. Strader and Sibley Strader (O 1033-04)..... **1283**  
 W. 139th St. — Land Reutilization Program — Joseph S. Weiksner, Jr. (O 1034-04)..... **1284**  
 West 139th Street area sewer system — public improvement — installing manholes and catch basins (O 840-04)..... **1271**

**Ward 21**

African American Music Association, Inc. — You Won't Foul Out with an Education program — Wards 2,8,9 and 21 NEF (O 1210-04)..... **1295**  
 First District Vice-Unit — Cleveland Division of Police — computer and information technology equipment — purchase — exchange of NEF funds for Restricted Income Tax funds (O 1211-04)..... **1295**  
 Laverne Avenue area sewer system — public improvement — installing manholes and catch basins (O 837-04)..... **1270**

**Water Division**

Hach Company — contracts — calibration of turbidimeters, chlorine analyzers and particle-size analyzers (O 761-04)..... **1269**  
 Pitney Bowes — contracts — mail sorters (O 760-04)..... **1269**

**Water Pollution Control Division**

Franklin Avenue/West 25th Street area sewer system — public improvement — installing manholes and catch basins (O 841-04)..... **1271**  
 Laverne Avenue area sewer system — public improvement — installing manholes and catch basins (O 837-04)..... **1270**  
 West 122nd Street area sewer system — public improvement — installing manholes and catch basins (O 839-04)..... **1271**  
 West 139th Street area sewer system — public improvement — installing manholes and catch basins (O 840-04)..... **1271**  
 West 24th Street/Chatham Avenue area sewer system — public improvement — installing manholes and catch basins (O 838-04)..... **1270**