

The City Record

Official Publication of the City of Cleveland

June the Twenty-Sixth, Nineteen Hundred and Ninety-Six

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

MAYOR-Michael R. White
LaVonne Sheffield-Turner, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
Linda Willis, Director, Office of Equal Opportunity

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

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

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

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Cleveland Hopkins International Airport, 5300 Riverside Drive;
Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

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DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner,
5600 Carnegie Avenue.
Streets - Randall T. Scott, Commissioner, Room 25
Engineering and Construction - J. Christopher Nielson, Acting
Commissioner, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, Commissioner, Harvard
Yards
Architecture - Kenneth Nobilio, Commissioner, Room 517

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1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural
Building, 1925 St. Clair Avenue
Environment - Carolyn Wallace, Acting Commissioner, Mural Building,
1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
field Road

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

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

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

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

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

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

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

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

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

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,
President; James J. Marniella, Vice President; Donna K. Nelson, Secretary;
Timothy J. Cosgrove, Member.

SINKING FUND COMMISSION - Michael R. White, President; Patricia
Stokes, Asst. Sec'y.; Kathryn Burrer Hyer, Director; President of Council
Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Valerie Schwonek, Chairman;
Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony
Petkovsek, Anthony Costanzo, Sec'y.

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

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

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

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

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

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

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, Kathryn Burrer Hyer,
Councilmen James Rokakis, Jay Westbrook.

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Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort
J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;
Ben S. Eulinberg, Martin J. Kilbane, Jozef Valencik, Martin Gallagher,
Laszlo V. Kemes, Secretary.

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Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert
Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison,
Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson,
Councilmen Craig E. Willis and Helen K. Smith.

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

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

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

The City Record



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WEDNESDAY, JUNE 26, 1996

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CITY COUNCIL

MONDAY, JUNE 24, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 19, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 19, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 410-96.

By Directors Guzman, Hamilton and Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of East West Construction Co., Inc. and Fabrizi Trucking & Paving Co., Inc., Joint Venture, P.O. Box 605030, 7109 Harvard Avenue, Cleveland, Ohio 44105-0030 for the public improvement of Heron Row at Kingsbury Subdivision Phase II for the Division of Engineering and Construction, Departments of Public Service, Community Development and Public Utilities,

received on April 18, 1996, pursuant to the authority of Ordinance Nos. 1200-93 and 1909-92, passed June 14, 1993 and September 21, 1992, upon a unit basis, for the improvement in the aggregate amount of Eight Hundred Ninety-Nine Thousand Two Hundred Two 00/100 (\$899,202.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Directors of Public Service, Community Development and Public Utilities are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors of East West Construction Co., Inc. and Fabrizi Trucking & Paving Co., Inc., Joint Venture for the aforementioned Public Improvement hereby is approved:

Sircle Construction Inc.
750 East 117th Street
Cleveland, Ohio 44108
M.B.E. 34%

Diamond Trucking &
Contracting Co.
3573 East 135th Street
Cleveland, Ohio 44120

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Directors Nielson, Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Staib.

Resolution No. 411-96.

By Director Denihan.

Whereas, by Resolution No. 301-96, adopted May 8, 1996, pursuant to the authority of Ordinance No. 2191-95, which was passed by City Council on February 5, 1996, this Board of Control approved the bid of Aexcel Corporation as the lowest and best for the purchase of Traffic Paint and Reflective Glass Beads, item numbers 1, 2, 3, 4, 5, 6, 9, 10, and 11, for the Division of Traffic Engineering and Parking, Department of Public Safety; and

Whereas, in said Resolution No. 301-96, the base requisition amount was incorrect; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 301-96 adopted May 8, 1996, affirming and approving the bid of Aexcel Corporation as the lowest and best for the purchase of Traffic Paint and Reflective Glass Beads, Item numbers 1, 2, 3, 4, 5, 6, 9, 10, and 11, hereby is amended by changing the base requisition amount from "\$10,083.15" to "\$10,083.50", where appearing.

Be it further resolved that all other provisions of said Resolution No. 301-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 412-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation for an estimated quantity of Police Uniforms, Item Nos: 1, 8, 10, 11, 12, 15, 18, 19, 20, 21, 22, 23, 24, 30, 43, 44, 45, 46, 49, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 78, 79, 80, 81, 89, 90, 92, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 120, 121, 122, 126, 127 and 129, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Four Hundred Sixty-Six Thousand, Nine Hundred Twenty and 00/100 Dollars, (\$466,920.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75300

120 - Police Uniform Item #1 - Cruiser Jackets which shall be certified against such contract in the sum of Twenty-Three Thousand, Four Hundred and no/100 Dollars, (\$23,400.00).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 413-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Werx Corporation for an estimated quantity of Police Uniforms, Item Nos: 82, 83 and 84, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Eleven Thousand, Two Hundred Twenty and 00/100 Dollars, (\$11,220.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services,

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

Requisition No. 75303

146 - Police Uniform Item #82 - Socks, male which shall be certified against such contract in the sum of Five Hundred Sixty-Two and 10/100 Dollars, (\$562.10).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 414-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of B.P. Britches, Inc. for an estimated quantity of Police Uniforms, Item Nos: 85, 87, 88 and 91, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Thirty Thousand, Six Hundred Sixty and 40/100 Dollars, (\$30,660.40), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75298

236 - Police Uniform Item #85 - Sweat shorts

which shall be certified against such contract in the sum of One Thousand, Five Hundred Thirty-Four and 99/100 Dollars, (\$1,534.99).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 415-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Abele-Davis Corp. for an estimated quantity of Police Uniforms, Item Nos: 2, 3, 25, 26, 29, 37, 38, 48, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77, for the Division of Police,

Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Eighty-Two Thousand, Six Hundred Three and 00/100 Dollars, (\$82,603.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75304

82 - Police Uniform Item #72 - Walking shoes, male

which shall be certified against such contract in the sum of Four Thousand, One Hundred Twenty-Seven and 90/100 Dollars, (\$4,127.90).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 416-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Erie Gun and Sports, Inc. for an estimated quantity of Police Uniforms, Item Nos: 4, 7, 27, 28, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42 and 123, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Forty-Six Thousand, Three Hundred Fourteen and 10/100 Dollars, (\$46,314.10), (2% - 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75301

62 - Police Uniform Item #4 - ASP Batons

which shall be certified against such contract in the sum of Two Thousand, Three Hundred Fifty-Two and 90/100 Dollars, (\$2,352.90).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 417-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Shuttler's Uniform, Inc. for an estimated quantity of Police Uniforms, Item Nos: 6, 50, 86, 111, 112, 113, 114, 115, 116, 117, 118 and 119 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Seven Thousand, Three Hundred Eighty-Eight and 20/100 Dollars, (\$7,388.20), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75322

212 - Police Uniform Item #86 - Sweat Socks which shall be certified against such contract in the sum of Three Hundred Seventy-One and 00/100 Dollars, (\$371.00).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 418-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation for an estimated quantity of Police Uniforms, Item Nos: 14, 16, 17 and 53, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Eleven Thousand, One Hundred Sixty and 00/100 Dollars, (\$11,160.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75321

3 - Police Uniform Item #17 - Breeches, 17 oz.

which shall be certified against such contract in the sum of Six Hundred Thirty-Eight and 25/100 Dollars, (\$638.25).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 419-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement Supply Co. for an estimated quantity of Police Uniforms, Item Nos: 5, 9, 47, 93 and 94, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 17th day of May, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976, which on the basis of the estimated quantity would amount to Seven Thousand, Five Hundred Fifteen and 00/100 Dollars, (\$7,515.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 75302

57 - Police Uniform Item #5 - ASP Batons Holders

which shall be certified against such contract in the sum of Three Hundred Seventy-Nine and 05/100 Dollars, (\$379.05).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 420-96.

By Director Spellman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Company for an estimated quantity of Unitized Breakfasts, Lunches and Snacks (Item #1 - 62,744 Lunches) (Item #2 - 7,920 Breakfasts) (Item #3 - 4,180 Snacks) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of June, July and August beginning with the date of execu-

tion of a contract received on the 6th day of June, 1996, pursuant to the authority of Ordinance No. 33-96, passed February 12, 1996, which on the basis of the estimated quantity would amount to One Hundred Twenty-Eight Thousand, Five Hundred Fifty and 40/100ths Dollars, (\$128,550.40), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 82624

which shall be certified against such contract in the sum of One Hundred One Thousand, Six Hundred and 00/100ths Dollars, (\$101,600.00).

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: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 421-96.

By Director Spellman.

Whereas, pursuant to Ordinance No. 722-96, passed by the Council of the City of Cleveland on April 22, 1996, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to convey an easement interest in certain City-owned property described in said ordinance and no longer needed for public use to Chiuchiarelli Construction, Inc./Colabianchi Construction, Inc. at a price determined by this Board to be not less than the fair market value of the property; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Commissioner of Purchases and Supplies is directed to convey an easement interest in the property described in Ordinance No. 722-96, passed by the Council of the City of Cleveland on April 22, 1996, to Chiuchiarelli Construction, Inc./Colabianchi Construction, Inc. for the consideration of Eight Thousand Four Hundred Dollars (\$8,400.00), which amount is determined to be not less than the fair market value of the easement interest.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 422-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 116-11-061, 116-11-062, 116-11-063 under said Land Reutilization Program; and

Whereas, Ordinance No. 861-96 passed May 20, 1996 authorized the sale of said parcels subject to the direction of the Board of Control; and

Whereas, Floyd T. Owens has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 861-96 passed May 20, 1996 by the Cleveland City Council, the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Floyd T. Owens for the sale and development of Permanent Parcel Nos. 116-11-061, 116-11-062, 116-11-063 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 423-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 118-25-007 under said Land Reutilization Program; and

Whereas, Ordinance No. 141-96 passed April 29, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Pernel Jones Funeral Home has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 141-96 passed April 29, 1996 by the Cleveland City Council, the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland to transfer and sell Permanent Parcel No. 118-25-007, as further described in said Ordinance, to Pernel Jones Funeral Home, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$2,600.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Nielson, Director Staib, Acting Director Holland, Directors Spellman, Hamilton, Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 8, 1996

9:30 A.M.

Calendar No. 96-97: 4620 St. Clair Ave., N.E.

Parag Tandon, owner, to convert to three dwelling units and a store the 35' x 94' one and two story frame and masonry two dwelling unit and store building on a 48' x 160' lot located in a Semi-Industry District at 4620 St. Clair Ave.; the west sideyard being 3' wide instead of 8' as required for a multi-family dwelling by Section 357.09 of the Codified Ordinances.

Calendar No. 96-99: 13020 Shaw Ave., N.E.

Bright Star Missionary Baptist Church, owner, c/o Rev. David Hunter, to use for accessory church offices, first floor, and child care program, second and third floors, the 24' x 52' three story frame former dwelling on a 135' x 148' irregular shaped lot located in a Two Family District on the southwest corner of E. 131 St. and Shaw Ave. at 13020 Shaw Ave.; said proposed day care use being located 3' from the adjacent lot located in a Residence District instead of being 30' therefrom as required by Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 96-100: 18209 Nottingham Rd., N.E.

George Frankos Jr., owner, to use for repair of motor components the 19' x 35' one story frame private garage on the rear of the 63.5' x 280' irregular shaped parcel located in a One Family District and Two Family District with a 38' x 64' two story frame multi-family dwelling house on the front at 18209 Not-

tingham Rd.; said use being contrary to the residence use limitations of Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 96-102: 4045 Superior Ave., N.E.

Charles J. Lombardo, owner, to erect a 50' x 135' one story masonry and metal warehouse building on a 90' x 128' lot located in a Semi-Industry District at 4045 Superior Ave.; there being two access drives to the premises contrary to the one access drive maximum of Section 349.07 of the Codified Ordinances.

Calendar No. 96-103: 4315 Jennings Rd., S.W.

Ron Hangauer, owner, to erect a 14' x 24' masonry two story addition to the 30' x 24' masonry private garage on the rear of the 50' x 136' (average) lot located in a One Family District with a dwelling house located on the front thereof at 4315 Jennings Rd.; said proposed private garage, being 1392 square feet in area, exceeding the 818.5 square feet maximum of Section 337.23 and said proposed private garage to be 22' in height contrary to the 15' maximum of Section 353.05 of the Codified Ordinances.

Calendar No. 96-104: 12416 Signet Ave., S.E.

Board of Education, owner, c/o Alan Mitchell, and Rev. A.L. Rucker dba Highway & Hedges Outreach Ministry, to convert to a day care center the easterly one half of the 410' x 148' masonry former elementary school building on an irregular shaped through corner parcel located in a Two Family District on the southwest corner of E. 126 St. and Signet Ave. and extending through to Abell Ave. and E. 123 St. at 12416 Signet Ave.; said use as a day care center being subject to the conditional use provisions of Sections 337.02 and 337.03 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 24, 1996

At the Meeting of the Board of Zoning Appeals, on Monday, June 17, 1996, the following appeals were heard by the Board, and decided on Monday, June 24, 1996.

The following appeal was **Granted:**

Calendar No. 96-77: 15240 Triskett Rd., N.W.

Sun Company, Inc., owner, c/o Joseph W. Roberts, to rebuild the existing gas station/grocery by erecting a 53' x 24' one story masonry grocery, pump islands, pump island canopy, etc.

The following appeals were **Refused:**

Calendar No. 96-70: 3531 E. 142nd St. Cleveland Electric Illuminating Co., owner, to erect a 190' high lattice type communications tower and 12' x 18' equipment shelter.

Calendar No. 96-81: 9915 Ramona Blvd., S.E.

Lawrence Brown, owner, to erect a 12' x 30' one story carport.

Calendar No. 96-84 7400 Dudley Ave., N.W.

Marianna Mercado and Nieves Mercado, owners, to convert to 3 dwelling units.

The following appeal was **Refused** on June 24, 1996.

Calendar No. 96-85: 1519 Lakeview Rd., N.E.

Lemaud Williams, owner, and Ohio Sauce Inc., tenant, to use for food processing and bottling the 200' x 400' irregular shaped two story and one story factory building.

Calendar No. 96-86: 4414 W. 53rd St. was **Withdrawn**.

Calendar No. 96-82: 724 Prospect Ave. S.E. was **Dismissed**.

ANTHONY COSTANZO,
Secretary

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

NOMEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for

using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JULY 10, 1996

Landscape Maintenance at Various Water Works Facilities IV, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 315-96, passed by the Council of the City of Cleveland, May 13, 1996.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 2, 1996 AT 10:00 A.M. IN THE FIRST FLOOR CONFERENCE ROOM, AUDITORIUM A OF THE UTILITIES BUILDING, 1201 LAKESIDE AVENUE.

June 19 and July 26, 1996

THURSDAY, JULY 11, 1996

Police Headquarters Justice Center Elevator Renovations, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1578-90, passed by the Council of the City of Cleveland, February 24, 1992.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON TUESDAY, JULY 2, 1996, AT 9:30 A.M. AT THE JUSTICE CENTER POLICE HEADQUARTERS MAIN LOBBY.

East 147th Street Sewer Replacement, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1240-91, passed by the Council of the City of Cleveland, August 21, 1991.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 27, 1996, AT 10:00 A.M. AT WATER POLLUTION CONTROL, 13202 KIRBY AVENUE, CLEVELAND, OHIO 44108.

1257

Gutterbrooms and Gutterroom Refills, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 236-96, passed by the Council of the City of Cleveland, April 1, 1996.

Guard Rail Elements, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 235-96, passed by the Council of the City of Cleveland, April 1, 1996.

June 19 and June 26, 1996

WEDNESDAY, JULY 24, 1996

Mini Vans and Full Size Vans, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1228-95, passed by the Council of the City of Cleveland, January 29, 1996.

Personal Computers, Various Printers and Software, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2278-95, passed by the Council of the City of Cleveland, May 6, 1996.

June 26 and July 3, 1996

THURSDAY, JULY 25, 1996

Asphalt Concrete Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 199-96, passed by the Council of the City of Cleveland, April 1, 1996.

June 26 and July 3, 1996

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 946-96.

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

An emergency resolution declaring the necessity and intention to appropriate property located at 15900 Lake Shore Boulevard (partial taking) and 16013-15 Damon Avenue for public use for the municipal purpose of expanding the Humphrey Park Facility.

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

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

Section 1. That for the municipal purpose of expanding the Humphrey Park Facility, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

16013 DAMON AVENUE
(VACANT LOT)

PPN: 113-13-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Eastern 12.5 feet of Sublot No. 416 and all of Sublot No. 415 in the Eastwood Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Vol-

ume 31, Page 27 of Cuyahoga County Records, and together forming a parcel of land 37.5 feet front on the Northerly side of Damon Avenue, formerly Nansen Street, and extending back 101.31 feet on the Easterly line, 101.40 feet on the Westerly line, and having a rear line of 37.5 feet, as appears by said plat be the same more or less but subject to all legal highways.

15900 LAKE SHORE
BOULEVARD
(PARTIAL TAKING)

PPN: 113-13-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Tract No. 16, and being part of lands conveyed to Montlack Management Co. by deed dated November 14, 1986 and recorded in Volume 86-7446 Pg. 37 of Cuyahoga County Records, further bounded and described as follows:

Beginning at the Northeast corner of Sublot 413 in the Eastwood Subdivision of a part of Original Euclid Township Tract No. 16 as shown by the recorded Plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, said point also being the Southeast corner of said lands conveyed to Montlack Management Co.;

Thence North 89° 52' 00" West along the Northerly line of said Eastwood Subdivision, also being the Southerly line of said land conveyed to Montlack Management Co., 53.47 feet to a point being the Northwesterly corner of Sublot 414 in said Subdivision;

Thence North 00° 00' 00" East through said land conveyed to Montlack Management Co. 148.70 feet to a point;

Thence North 70° 05' 53" East through said land conveyed to the Montlack Management Co., 57.26 feet to a point on the Easterly line of said land conveyed to Montlack Management Co., also being the Southwesterly corner of lands conveyed to Euclid Beach Plaza Association, by deed dated March 2, 1988 and recorded in Volume 88-0877 Pg. 67 of Cuyahoga County Records, and the Northwesterly corner of lands conveyed to the City of Cleveland, by deed dated August 17, 1967 and recorded in Volume 10674, Pg. 493 of Cuyahoga County Records;

Thence South 00° 07' 35" West along the Easterly line of said land conveyed to Montlack Management Co., also being the Westerly line of said land conveyed to The City of Cleveland, 168.32 feet to the principal place of beginning, and containing 8503.00 sq. ft. of land, be the same more or less, but subject to all legal highways.

Bearings herein are to an assumed meridian and are used to indicate angles only.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Adopted June 18, 1996.

Effective June 26, 1996.

Res. No. 1225-96.
By Councilman Britt.
An emergency resolution objecting to the transfer of location of a D4 Liquor Permit to 12117 Mayfield Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D4 Liquor Permit from Permit No. 26155980007, Fai Com Club, 12020 Mayfield Road, Cleveland, Ohio 44106, to Permit No. 2615598-00071, Fai Com Club, 12117 Mayfield Road, Cleveland, Ohio 44106; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a D4 Liquor Permit from Permit No. 26155980007, Fai Com Club, 12020 Mayfield Road, Cleveland, Ohio 44106, to Permit No. 2615598-00071, Fai Com Club, 12117 Mayfield Road, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is

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

Adopted June 18, 1996.

Effective June 26, 1996.

Res. No. 1226-96.
By Councilmen Coats, Westbrook and Polensek.

An emergency resolution urging the U.S. Justice Department to move swiftly and utilize all available resources to identify the perpetrators of the recent surge of church burnings, and urging the U.S. Congress to establish Community Reinvestment Act monies and to establish a source of federal funding through grants and low interest loans for rebuilding churches that were and are burned down by perpetrators of hate crimes.

Whereas, this Council believes that the burning down of churches is among the most disgusting and disgraceful acts that one can commit; and

Whereas, the recent steps being taken by the majority Congress to enact laws that ban church burning through its legislative empowerment are commendable, but serve no real remedy for worshippers and communities whose churches have already been burned to the ground; and

Whereas, this Council views church burning as a very serious, national health and safety crisis, as innocent lives are threatened each time a church is set afire; and

Whereas, the recent explosion of church burnings brings to mind the burning and bombing of churches in the 1960s, where 3 innocent little black girls were killed, where families' dreams were destroyed, and where communities burst into violence; and

Whereas, it has been well stated that "without a watchful eye, history will certainly repeat itself"; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it is paramount that citizens of these United States feel free to worship without threat of being killed during worship; now, therefore,

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

Section 1. That this Council urges the U.S. Justice Department to move swiftly and utilize all available resources to identify the perpetrators of the recent surge of church burnings.

Section 2. That this Council urges the U.S. Congress to establish Community Reinvestment Act monies and to establish a source of federal funding through grants and low interest loans for rebuilding churches that were and are burned by perpetrators of hate crimes.

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 18, 1996.

Effective June 26, 1996.

Res. No. 1227-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by planting, trimming, or removing shade trees, and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.

Whereas, the maintenance of trees in the Shaker Square area of the City of Cleveland involves special costs due to adverse natural conditions; and

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during the 1996-97 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, or removing shade trees and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during a 12-month period beginning during 1996 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council; and

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

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

Section 1. That it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants thereof to control the blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities (collectively, "Tree Maintenance") in and along a portion of Shaker Boulevard in the City of Cleveland for a 12-month period beginning during 1996.

Section 2. That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1996-97 Shaker Boulevard Tree Maintenance District" which shall include all territory within the following boundaries:

BOUNDARIES OF SHAKER BOULEVARD TREE MAINTENANCE DISTRICT

Being all that portion of Shaker Boulevard S.E. (190 feet wide) extending Easterly from the Easterly line of Woodhill Road S.E. to the Southerly-prolongation of the Easterly line of East 130th Street (50 feet wide).

Section 3. That the plans, specifications and profiles for said Tree Maintenance, at the estimated cost of \$30,875.00, heretofore prepared and placed in File No. 1227-96-A in the Office of the Clerk of Council, are hereby approved.

Section 4. That the entire cost of such Tree Maintenance in the 1996-97 Shaker Boulevard Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1996-97 Shaker Boulevard Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

Section 5. That the assessments to be levied shall be payable in cash within thirty (30) days after passage of the City's ordinance of assessment or at the option of the owner in one (1) annual installment. All cash payments remaining unpaid at the expiration of said thirty (30) 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 6. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessment.

Section 7. That the Commissioner of Assessments and Licenses is hereby authorized and directed to prepare and file in the Office of the Clerk of Council an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based upon the estimated cost of the Tree Maintenance which is now on file in the Office of the Clerk of Council.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Res. No. 1228-96.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit to 16015 Lake Shore Blvd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 10728810755, Buckeye P.H. Inc., dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 5927201-0145, Midland Food Services LLC, dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 10728810755, Buckeye P.H. Inc., dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 5927201-0145, Midland Food Services LLC, dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted June 18, 1996.

Effective June 26, 1996.

Res. No. 1229-96.

By Councilman Polensek.

An emergency resolution urging the Administration to implement tough enforcement of the City's curfew laws and to fund additional programs for minors after school and during the summer.

Whereas, the City's neighborhoods continue to experience serious problems from minors wandering the streets in violation of the City's curfew laws; and

Whereas, on June 10, 1996, this Council passed Ordinance No. 1831-95, which toughens the City's "night-time" curfew laws in a manner similar to the City's "daytime" curfew laws; and

Whereas, these laws, among other things, place a duty on parents to take reasonable steps to insure that their children are in school and to prohibit their children from being on the streets during the curfew hours; and

Whereas, these laws can only be effective, however, if they are enforced; and

Whereas, with hot summer days approaching, it is imperative that the police increase activities to keep minors off the streets in violation of the City's curfew laws; and

Whereas, the Administration should provide additional programs for minors after school and during the summer, giving priority to neighborhoods that lack existing programs, in order to provide activities for these minors; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that strict enforcement of the City's curfew laws can result in a safer, more peaceful summer for us all; now, therefore,

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

Section 1. That this Council hereby urges the Administration to implement tough enforcement of the City's curfew laws in order to keep minors off the streets and out of trouble during curfew hours.

Section 2. That this Council further urges the Administration to fund additional programs for minors after school and during the summer, giving priority to neighborhoods that lack existing programs, in order to provide our youths with an outlet for their energies and to keep them off the streets.

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 18, 1996.

Effective June 26, 1996 without the signature of the Mayor.

Res. No. 1230-96.

By Councilman Rokakis.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Road, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 5513090, Marano Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, to Permit No. 4238040, Jankaus Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 5513090, Marano Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, to Permit No. 4238040, Jankaus Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 18, 1996.

Effective June 26, 1996.

Res. No. 1231-96.

By Councilman Rokakis.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3893 West 23rd Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6167219, Ayman Morra, dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, to Permit No. 9974419, Zurub Inc., dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6167219, Ayman Morra, dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, to Permit No. 9974419, Zurub Inc., dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Adopted June 18, 1996.
Effective June 26, 1996.

Res. No. 1232-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3664 East 65th Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 8771027, T.J.G. Inc., 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, to Permit No. 6804214, Penny G. Corp., dba Penny's Lounge, 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 8771027, T.J.G. Inc., 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, to Permit No. 6804214, Penny G. Corp., dba Penny's Lounge, 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted June 18, 1996.

Effective June 26, 1996.

Res. No. 1233-96.

By Councilmen Westbrook, Miller and Polensek.

An emergency resolution urging the operators of the Great Lakes Museum of Science and Technology to enter into a pre-hiring recognition agreement with the ticket-sellers and projectionists at the museum and a project labor agreement with the Building Trades Council and the Service Employees Union for future maintenance and repair of the facility.

Whereas, more than most cities, the City of Cleveland has benefited from the achievements of union labor; and

Whereas, this City Council places a high value on the right of workers to collectively bargain for wages and benefits; and

Whereas, practically all of the development in Cleveland that has contributed so greatly to the City's revival was performed by union labor; and

Whereas, this Council has supported the efforts of the Great Lakes Museum of Science and Technology to establish a memorable attraction on the City's lakefront; and

Whereas, the upcoming opening of the museum is a time for the City to celebrate; and

Whereas, it is the wish of this Council that the members of the City's unions benefit from the jobs that will be available with the opening of this museum; and

Whereas, it is the belief of this Council that the ticket-sellers and projectionists at the museum should receive a pre-hiring recognition agreement; and

Whereas, this Council further believes that the operators of the museum should negotiate a project labor agreement with the Building Trades Council and the Service Employees Union for all future repairs and maintenance of the facility; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the protection of the rights of union labor in Cleveland will benefit all of our citizens; now, therefore,

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

Section 1. That this Council hereby urges the operators of the Great Lakes Museum of Science and Technology to enter into a pre-hiring recognition agreement with the ticket-sellers and projectionists at the museum.

Section 2. That this Council hereby further urges the operators of the Great Lakes Museum of Science and Technology to enter into a project labor agreement with the Building Trades Council and the Service

Employees Union for future maintenance and repair of the museum facility.

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the operators of the Great Lakes Museum of Science and Technology.

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 18, 1996.

Effective June 26, 1996 without the signature of the Mayor.

Res. No. 1234-96.

By Councilmen Willis, Coats, Jackson, Patmon, McGuirk, Britt, Melena, Polensek, Rokakis Miller, White, Lewis, Rybka, Westbrook, Robinson, Johnson and Zone.

An emergency resolution urging the Ohio General Assembly to enact a deposit law for glass bottles and requesting the Council President to arrange a meeting between the Cuyahoga County delegates to the Ohio Assembly and the sponsors of this legislation.

Whereas, the retail sale of certain beverages in breakable glass containers which are improperly disposed of when empty has resulted in such a proliferation of broken glass in and upon the streets, parks, and other public grounds of the City of Cleveland and other major cities throughout the State of Ohio, as to render said public grounds dangerous to the citizens and particularly to the children of this State; and

Whereas, the problem of broken glass caused by improper disposal of empty beverage bottles poses a serious health and safety problem; and

Whereas, it is virtually impossible to recycle glass once it is broken and it is virtually impossible to remove all broken glass from grassy areas in parks and recreational areas; and

Whereas, establishing an incentive or rewards program for the recycling of glass bottles is one means available to combat the problem of broken glass littering streets, sidewalks, parks, and other public areas of the City; and

Whereas, this resolution constitutes an emergency measure for the health, safety, and welfare of the citizens of the State of Ohio; now, therefore,

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

Section 1. That this Council urges the Ohio General Assembly to enact a deposit law for glass bottles.

Section 2. That the President of Council is requested forthwith to arrange a meeting between the Cuyahoga County delegates to the Ohio General Assembly and various members of this Council, including the Council President, the Majority Leader, the Majority Whip, and the sponsors of this legislation, concerning the enactment of a deposit law for glass bottles in the State of Ohio.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to each of the Cuyahoga County delegates to the General Assembly, as well as to the President of the Ohio Senate and

the Speaker of the Ohio House of Representatives.

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

Adopted June 18, 1996.

Effective June 26, 1996 without the signature of the Mayor.

Ord. No. 1439-94.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting a new Section 129.153 thereof, relating to regulation of tree trimming.

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 129.153 thereof to read as follows:

Section 129.153 Regulation of Tree Trimming

The Chief of the Bureau of Urban Forestry shall promulgate and enforce rules and regulations for the trimming of trees in the public rights-of-way in the City of Cleveland. All persons or entities, including the City of Cleveland, who own utility poles, wires, or street lighting facilities in the public rights-of-way shall trim trees located in the right-of-way in their respective service areas in accordance with such rules and regulations and in accordance with such schedules as are approved by the Chief of the Bureau of Urban Forestry. The Chief of the Bureau of Urban Forestry may, after notification to the owner of failure to comply with the rules for the regulation of tree trimming and a reasonable time to cure such deficiencies, perform any tree trimming activities which, in the discretion of the Chief of the Bureau of Urban Forestry, are necessary for the public health, safety and welfare. The cost of such services shall be charged to the owner of the facilities.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1139-95.

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

An emergency ordinance authorizing the Director of Community Development to apply for a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the renovation of the Cen-

tral YMCA branch and to enter into a contract with the Greater Cleveland YMCA, or its designee, to provide economic development assistance for the renovation of the Central YMCA branch located at East 22nd and Prospect Avenue.

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

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

Section 1. That the Director of Community Development is hereby authorized to apply for a loan in the amount of Five Hundred Thousand Dollars (\$500,000) from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 2. That the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to apply for the 108 Loan from HUD, to enter into contract with HUD, pledge any and all collateral necessary to secure repayment thereof under the 108 Loan agreement (including without limitation future Community Development Block grant funds), and receive the funds; and that said funds be and they hereby are appropriated for the purposes of providing economic assistance to partially finance the renovation of the Central YMCA branch located at East 22nd and Prospect Avenue, as more specifically set forth in the application for said 108 loan.

Section 3. That the application for said 108 Loan, File No. 1139-95-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That the Director of Economic Development is hereby authorized to enter into a contract with the Greater Cleveland YMCA, or its designee, to provide economic development assistance to renovate the Central YMCA branch, located at East 22nd and Prospect Avenue.

Section 5. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1139-95-A.

Section 6. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 13 SF 839, and from future community development block grant funds and UDAG REPAYMENT FUNDS which are appropriated to pay the costs of said contract.

Section 7. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 8. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan.

Section 9. That the Director of Community Development is hereby authorized to accept charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servic-

ing of the loan. Such fees shall be deposited to and expended from Fund No. 13 SF 839.

Section 10. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 11. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1227-95.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 129.35 and 129.36 thereof, relating to establishing an Office of Radio Communications System Management and authorizing the issuance of permits for access to the 800 MHz Radio Communications System; authorizing the Director of Public Utilities to enter into contracts for the operation, maintenance and expansion of the 800 MHz Radio Communications System; authorizing the purchase of related services and equipment; authorizing the acquisition of various rights and interest in real property; and authorizing leasing out of tower space.

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, upon the concurrence of the Board of Control, as required by Section 77 of the Charter of the City of Cleveland, the Office of Radio Communications System Management of the Department of Public Utilities is hereby established, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 129.35 and 129.36 to read, respectively, as follows:

Section 129.35 Office of Radio Communications System Management

There is hereby established in the Office of the Director of Public Utilities an Office of Radio Communications System Management to be administered and controlled by the Director of Public Utilities or that Director's designee, subject to the provisions of the Charter and Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Utilities. The Director of Public Utilities, or that Director's designee, shall oversee, monitor and regulate the City's radio communications system.

Section 129.36 Permits

The Director of Public Utilities is hereby authorized to issue permits to parties wishing access to the City's radio communications system as follows:

(a) Upon receipt of an application for a permit to listen to radio channels approved by the Office of Radio Communications System Management for listening by the general public, and payment of the fee

fixed pursuant to division (c) of this section, the Director of Public Utilities shall issue the permit on a form promulgated by the Director for that purpose.

(b) All permits issued pursuant to this section shall be issued for a period of one (1) year commencing November 1. Permits may be renewed if an application for renewal on a form promulgated by the Director of Public Utilities for that purpose is submitted to the Director of Public Utilities not less than ninety (90) days before termination of the previous permit. If an application for renewal is timely submitted to the City and the City does not take action to approve or deny the renewal prior to the expiration of the permit, the Director of Public Utilities shall extend the permit on a month-by-month basis until the City has taken action as required by this chapter.

(c) Each application for a new or renewal permit shall be accompanied by a fee, which shall be fixed by the Board of Control.

(d) The Director of Public Utilities may at any time revoke or suspend permits granted under the authority of this chapter for failure to comply with the terms of the permit.

Section 2. That the concurrence of the Board of Control for the establishment of the Office of Radio Communications System Management shall be evidenced by a certified copy of the resolution of the Board of Control immediately upon the adoption of such concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 3. That the Director of Public Utilities is hereby authorized and directed to employ by one or more contracts a consultant or 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 for the transition from construction to operation, operation, and enhancement and expansion of the infrastructure and all other components and aspects of the City's radio communications system, including but not limited to consulting and other professional services necessary for (a) additional design, planning, construction and fine tuning of the infrastructure; (b) acquiring additional frequencies and conducting related explorations; (c) compliance with FCC and other agency licensing, requirements and procedures; (d) training; and (e) any activities related to any of the above. The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control.

Section 4. That the Director of Public Utilities is hereby authorized and directed to acquire by application, license and/or one or more contracts frequencies for enhancement and expansion of the City's radio communications system. The compensation to be paid for such fre-

quencies shall be fixed by the Board of Control.

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 is hereby authorized to purchase, lease or otherwise acquire for tower and equipment space, easements, fee interests, licenses, permits and any other rights or interests in real property necessary for the infrastructure development and operation of the City's radio communications system authorized by this ordinance.

Section 6. That the Director of Public Utilities is hereby authorized to execute on behalf of the City of Cleveland all documents necessary to acquire rights or interests in real property and to employ and pay for all services, fees, necessary costs, title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the infrastructure development and operation of the City's radio communications system authorized by this ordinance.

Section 7. That the Director of Public Utilities is hereby authorized to enter into agreements with the holders of rights or interests in real property to relocate or otherwise modify existing fixtures or features of said property to permit the development and operation of the infrastructure of the City's radio communications system.

Section 8. That the Director of Public Utilities is hereby authorized and directed to enter into one-year leases renewable at the Director's discretion for leasing out tower space, so long as such leases do not jeopardize the City's full configuration management of the physical space on the tower, equipment shelter and utilities or City's plans for tower utilization; and authorized to employ and pay for all services, fees, necessary costs, title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the leases authorized by this section.

Section 9. That the Director of Public Utilities is hereby authorized to enter into agreements with Motorola Communications, Inc. for extended warranties and service agreements on the infrastructure of the 800 MHz Radio Communications System for initial terms of three years, with options to renew for additional terms provided that no original or renewal term shall extend past December 31, 2005.

Section 10. That the Director of Public Utilities is hereby authorized to enter into requirements contracts with Motorola Communications, Inc. for the various departments of City government to lease or purchase original equipment manufacturer (OEM) equipment, both replacement and additional equipment, to install and provide necessary appurtenances for the equipment and to program and re-program software through December 31, 1999, the period of the discounted pricing terms included in City Contract No. 45697. The additional equipment should be that necessary to enhance or improve system operability or to facilitate system perpetuity or to

accommodate user re-configurations and operational changes.

Section 11. That the Director of Public Utilities, for the various departments of City government, is hereby authorized to enter into one or more agreements with Motorola Communications, Inc., or a dealer authorized and certified by Motorola, to do such work for extended warranties and service agreements on the equipment that is a part of or is used with the 800 MHz Radio Communications System for initial terms of three years, with options to renew for additional terms so long as no original or renewal term shall extend past December 31, 2005.

Section 12. That the Director of Public Utilities is hereby authorized and directed, following approval of the Director of Finance, to make written standard purchase contracts and written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of such requirements to be determined by said director, to purchase or lease, necessary supplies, furniture, equipment, materials and moving services, landscaping services, equipment shelter and tower repair and maintenance services, motorized equipment for maintenance and communications equipment, other equipment and related materials and supplies needed for the infrastructure development and operation of the City's radio communications system, and labor and materials to install and maintain any or all of the foregoing items, to be purchased by the Commissioner of Purchase and Supplies upon a unit basis for the various departments of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 13. That the Director of Public Utilities with the approval of the Director of Finance, is hereby authorized to employ by contract or contracts Motorola Communications, Inc. and/or other companies for the various departments of City government for training to develop new competencies and to enhance current knowledge and skills, to train new hires and to refresh those already trained, to train on upgrades and expansions of the system.

Section 14. That the contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 15. That prior to entering into any contract authorized herein, the Director of Public Utilities shall give written notice of same to Council.

Section 16. That prior to entering into any lease to lease out tower space as authorized in Section 8 herein, the Director of Public Utilities shall give written notice of same to Council.

Section 17. That prior to entering into any contract authorized herein for expenditures in excess of Ten Thousand Dollars (\$10,000.00), the Director of Public Utilities shall give written notice to Council.

Section 18. That the cost of the contracts authorized by this ordinance shall be paid from funds annually appropriated by this Coun-

cil for the use of the Division of Water, from the fund or funds to which are credited any revenues derived from the operation of the City's radio communications system and, to the extent that an expenditure is a proper capital expense, from the fund or funds to which are credited the proceeds of any waterworks revenue bonds, provided, however, that each City department or division which uses the City's radio communications system shall reimburse the Division of Water for that department's or division's proportionate share of such costs, which costs may include, but are not limited to design, planning, construction, operation, maintenance, replacement, enhancement and expansion costs of the City's radio communications system and any debt service costs related thereto. The Director of Finance is hereby authorized and directed to make payment in annual installments to the Division of Water on behalf of the various City departments and divisions in an amount equal to each department's or division's proportionate share of said costs, payable from funds appropriated for the use of the various departments and divisions to pay expenses. The Director of Public Utilities and the Director of Finance are hereby authorized and directed to memorialize the terms and conditions of the use of the radio communications system by the various City departments and divisions and the reimbursements authorized herein through a Memorandum of Understanding.

Section 19. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1432-95.
By Councilmen Polensek, Pianka, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at East 152nd Street and known as Collinwood Yards for the Department of Economic Development for the purpose of redevelopment of the area.

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

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

Section 1. That, 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 is hereby authorized to purchase for the Department of Economic Development for development purposes the following described property:

LEGAL DESCRIPTION

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

Original Euclid Township Tract No. 16, and bounded and described as follows:

Beginning on the Easterly line of East 152nd Street (60 feet wide) at its intersection with the Easterly prolongation of the Northerly line of Darwin Avenue (50 feet wide);

Thence North 89° 28' 42" East along said Easterly prolongation a distance of 22.02 feet to a point;

Thence South 14° 25' 42" East a distance of 66.96 feet to a point;

Thence South 89° 28' 42" West a distance of 38.08 feet to the Easterly line of East 152nd Street;

Thence North 0° 33' 00" West along the Easterly line a distance of 65.00 feet to the place of beginning be the same more or less but subject to all legal highways, and containing 1953 square feet of land.

Collinwood Yards

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning on the Easterly line of East 152nd Street, 60 feet wide, at its point of intersection with the Easterly prolongation of the Northerly line of Darwin Avenue, 50 feet wide:

Thence North 0° 33' 00" West along the Easterly line of East 152nd Street a distance of 638.99 feet to an angle point;

Thence continuing along said Easterly line North 6° 24' 45" East a distance of 96.73 feet to the Southerly right-of-way line of the Lakeland Freeway;

Thence along the Southerly line of the Lakeland Freeway the following courses:

Thence North 47° 57' 21" East a distance of 97.30 feet to a point;

Thence North 89° 30' 12" East a distance of 291.61 feet to a point;

Thence North 0° 29' 48" West a distance of 90.32 feet to a point;

Thence North 65° 11' 56" East a distance of 143.97 feet to a point;

Thence North 89° 30' 12" East a distance of 28.79 feet to a point;

Thence North 0° 29' 48" West a distance of 13.00 feet to a point;

Thence North 64° 45' 03" East a distance of 396.41 feet to a point;

Thence North 26° 20' 07" West a distance of 7.00 feet to a point;

Thence North 61° 39' 29" East a distance of 42.80 feet to a point;

Thence South 28° 20' 31" East a distance of 7.00 feet to a point;

Thence North 61° 39' 29" East a distance of 818.49 feet to the most Westerly corner of a parcel of land conveyed to Metromedia, Inc. by deed as recorded in Volume 11370, Page 697 of Cuyahoga County Deed Records;

Thence North 89° 44' 41" East along the Southerly line of the Metromedia Inc. parcel a distance of 223.38 feet to a point;

Thence South 1° 14' 19" East a distance of 655.25 feet to a point;

Thence South 31° 55' 29" West a distance of 317.35 feet to a point;

Thence South 51° 55' 59" West a distance of 422.61 feet to a point of curvature;

Thence 51.76 feet along the arc of a curve, deflecting to the left, having a radius of 354.27 feet and a chord distance of 51.72 feet that bears South 47° 44' 50" West to a point of reverse curvature;

Thence 198.15 feet along the arc of a curve, deflecting to the right, having a radius of 1316.56 feet and

a chord distance of 197.96 feet that bears South 47° 52' 23" West to a point of tangency;

Thence South 52° 11' 05" West a distance of 82.55 feet to a point;

Thence North 33° 26' 01" West a distance of 31.13 feet to a point;

Thence South 57° 36' 39" West a distance of 398.42 feet to a point;

Thence South 30° 50' 44" East a distance of 49.12 feet to a point;

Thence South 57° 37' 36" West a distance of 768.80 feet to a point;

Thence North 88° 36' 03" West a distance of 59.50 feet to a point;

Thence North 66° 23' 33" West a distance of 24.02 feet to a point;

Thence North 0° 47' 47" East a distance of 281.07 feet to a point;

Thence North 14° 25' 42" West a distance of 213.26 feet to a point;

Thence South 89° 28' 42" West a distance of 22.02 feet to the place of beginning be the same more or less but subject to all legal highways.

Section 2. That the Director of Economic Development and the Commissioner of Purchases and Supplies are hereby authorized to execute on behalf of the City of Cleveland all necessary appropriate documents to acquire such 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 such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value as determined by the Board of Control.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 10 SF 501, Request No. 22384.

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 144-96.

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

An emergency ordinance declaring the property located at 2654 Lisbon Road blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises.

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 the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has hereby found and determined that Permanent Parcel No. 126-20-025, located at 2654 Lisbon Road, Cleveland, Ohio, and owned by Arthur I. Rauch, are blighted premises, as defined by Section 324.03 of said Codified Ord-

nances, because the blighted premises has been condemned pursuant to the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owner of the blighted premises has not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice thereof.

Section 2. That a public hearing was held in accordance and compliance with the requirements of Sections 324.08 and 324.09 of the Codified Ordinances.

Section 3. That, based upon the factors set forth in Section 1 hereinabove and compliance with the public notice requirement set forth in Section 2 hereinabove, this Council, as required by Sections 324.10 and 324.11, of the Codified Ordinances, hereby finds and determines that Permanent Parcel No. 126-20-025, located at 2654 Lisbon Road, is a blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That based upon the findings and declarations set forth in Sections 1 through 3 of this ordinance, the Director of Community Development is hereby authorized to negotiate the acquisition of the blighted premises from the owner pursuant to Sections 324.11 of the Codified Ordinances. Said blighted premises are more fully described as follows:

SPOT ELIMINATION BLIGHT

2654 Lisbon Road

PPN: 126-20-025

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and know as being part of Original One Hundred Acre Lot Nos. 415 and 423, and bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Lisbon Road, S.E., (50 feet wide), with the Southwesterly line of Evins Avenue, S.E., (40 feet wide);

Thence Northeasterly along the Northwesterly line of Lisbon Road, S.E., 44.66 feet to a Northeasterly corner of land conveyed to the Gerson-Stewart Corporation by deed dated October 7, 1941, and recorded in Volume 5405, Page 737 of Cuyahoga County Records;

Thence North 59° 14' 30" West, along a Northeasterly line of land so conveyed to the Gerson-Stewart Corporation, 32 feet to an angle;

Thence South 64° 19' 50" West along a Northwesterly line of land so conveyed to the Gerson-Stewart Corporation, 17.60 feet to a Southerly corner of land conveyed to Jay C. Price and Nina E. Price by deed dated August 18, 1942, and recorded in Volume 5462, Page 296 of Cuyahoga County Records, and the principal place of beginning;

Thence North 83° 20' 30" West along a Southerly line of land so conveyed to Jay C. and Nina E. Price, 63.43 feet to an angle therein;

Thence North 59° 37' 40" West along a Southwesterly line of land so conveyed to Jay C. and Nina E. Price, 52.79 feet to a Southwesterly corner thereof;

Thence North 03° 21' 50" West, along a Westerly line of land so conveyed to Jay C. and Nina E. Price, 111.09 feet to an Easterly line

of land conveyed to Pennsylvania Refining Company by deed dated July 31, 1941, and recorded in Volume 5403, Page 645 of Cuyahoga County Records;

Thence South 09° 27' 00" West along an Easterly line of land so conveyed to Pennsylvania Refining Company, 36.81 feet to a point of curvature;

Thence Southerly along an Easterly line of land so conveyed to Pennsylvania Refining Company along the arc of a curve deflecting to the right, 70.76 feet, said arc having a radius of 238.37 feet and a chord which bears South 17° 57' 15" West, 70.50 feet to a Southeasterly corner thereof;

Thence North 56° 26' 10" West along a Southwesterly line of land so conveyed to Pennsylvania Refining Company, 65.92 feet to an inner corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 148.34 feet to an inner corner thereof;

Thence South 44° 52' 20" East along a Northeasterly line of land so conveyed to Pennsylvania Refining Company 55.33 feet to a Southeasterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 87.85 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated August 25, 1942, and recorded in Volume 5466, Page 400 of Cuyahoga County Records;

Thence South 44° 52' 20" East, along a Northeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, 106.88 feet to the most Easterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, about 7.38 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated October 11, 1957, and recorded in Volume 9021, Page 154 of Cuyahoga County Records;

Thence South 44° 54' 40" East along the Northeasterly line of land conveyed to Pennsylvania Refining Company as last aforesaid, about 54.17 feet to the most Westerly corner of land conveyed to The Ohio Confection Company by deed dated December 10, 1941, and recorded in Volume 5418, Page 553 of Cuyahoga County Records;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 69.73 feet to a Northeasterly corner thereof;

Thence South 44° 53' 40" East along a Northeasterly line of land so conveyed to The Ohio Confection Company, 18.06 feet to an inner corner thereof;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 105.80 feet to an inner corner thereof;

Thence North 44° 53' 40" West along a Southwesterly line of land so conveyed The Ohio Confection Company, 38.43 feet to a Northwesterly corner thereof;

Thence North 45° 06' 20" East, along a Northwesterly line of land so conveyed to The Ohio Confection Company and along a Northwesterly line of land conveyed to The Gerson-Stewart Corporation by deed

aforesaid, 153.14 feet to the principal place of beginning, according to a survey dated March, 1947, made by Charles W. Root, Registered Professional Engineer, be the same more or less, but subject to all legal highways.

Section 5. That the Mayor is hereby authorized to convey by official Deed or Deeds title to the blighted premises at a price to be determined by the Board of Control.

Section 6. That the Director of Community Development is hereby authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Pavco Incorporated, or its designee, for the redevelopment and/or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises. Said project agreement shall be substantially in the form of that contained in Council File No. 144-96-A.

Section 7. That the Mayor, Director of Law and the Director of Community Development are hereby authorized to execute such certifications and documents, and to take such other actions as may be necessary or appropriate in connection with the acquisition of the blighted premises, and the activities contemplated by Chapter 324 of the Codified Ordinances.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 151-96.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance for the development of a Hampton Inn to be constructed at East 9th Street and Superior Avenue; and to enter into contract with 1460 Ninth Street Associates, Ltd., or its designee, to provide economic development assistance for said development.

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 hereby authorized to apply for and accept a loan in the amount of Three Million Dollars (\$3,000,000.00) from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 2. That the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to enter into contract with HUD, pledge any and all collateral necessary to secure repayment thereof under the 108 Loan agreement

(including without limitation future Community Development Block Grant funds), and receive the funds; and that said funds be and they hereby are appropriated for the purposes of providing economic assistance for the development of a Hampton Inn at East 9th Street and Superior Avenue, as more specifically set forth in the application for said 108 Loan.

Section 3. That the application for said 108 Loan, File No. 151-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That the Director of Economic Development is hereby authorized to enter into contract with 1460 Ninth Street Associates, Ltd., or its designee, to provide economic development assistance to partially finance the construction of a Hampton Inn at East 9th Street and Superior Avenue, payable out of the loan proceeds accepted in accordance with Section 1 of this ordinance.

Section 5. That the terms of said loan shall be determined by the Director of Economic Development in accordance with applicable Federal regulations, State and local law, and said director is authorized to amend said terms, from time to time, as he deems necessary.

Section 6. That the costs of said contract shall not exceed Three Million Dollars (\$3,000,000.00), and shall be paid from Fund No. 17 SF 021.

Section 7. That the Director of Economic Development is hereby authorized to accept collateral as said director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 8. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 022.

Section 9. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 10. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriated to complete the transaction.

Section 11. 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 18, 1996.
Effective June 26, 1996.

Ord. No. 258-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fleet washing, for the various divisions of City government for a period not to exceed two 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 the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of fleet washing in the estimated sum of \$190,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20941)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 312-96.
By Councilmen Patmon, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance declaring the property located at 9813-15 North Boulevard blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell said premises to Famicos Foundation, or its designee.

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

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

Section 1. That, pursuant to the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has hereby found and determined that Permanent Parcel No. 109-06-020, located at 9813-15 North Boulevard, Cleveland, Ohio, and owned by Barbara

Wright, Bernard Mitchell and Thelma H. Johnson, are blighted premises, as defined by Section 324.03 of said Codified Ordinances, because the blighted premises has been condemned pursuant to the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owner of the blighted premises has not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice thereof.

Section 2. That a public hearing was held in accordance and compliance with the requirements of Sections 324.08 and 324.09 of the Codified Ordinances.

Section 3. That, based upon the factors set forth in Section 1 hereinabove and compliance with the public notice requirements set forth in Section 2 hereinabove, this Council, as required by Sections 324.10 and 324.11, of the Codified Ordinances, hereby finds and determines that Permanent Parcel No. 109-06-020, located at 9813-15 North Boulevard, is a blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That based upon the findings and declarations set forth in Sections 1 through 3 of this ordinance, the Director of Community Development is hereby authorized to negotiate the acquisition of the blighted premises from the owner and sell said premises to Famicos Foundation, or its designee, pursuant to Sections 324.11 and 324.12 of the Codified Ordinances. Said blighted premises are more fully described as follows:

9813-15 North Boulevard
PPN: 109-06-020

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Number 233 in the Adams Realty Company's Superior Park Subdivision No. 5 of part of Original 100 Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 41 of Maps, Page 10 of Cuyahoga County Records, and being 41.13 feet front on the Northerly curved line of North Boulevard, N.E. (40.00 feet wide) and extending back 108.20 feet on the Westerly line, 98.54 feet on the Easterly line, and having a rear line of 40.00 feet as shown by said plat, be the same more or less, but subject to all legal highways, easements, and restrictions of record, and in particular those restrictions contained in the original deed of said parcel from the Adams Realty Co., to William G. Mulholland, dated July 1, 1910 and recorded in Volume 1265, Page 514 of Cuyahoga County Records.

This description was prepared by David J. Bruckner, Registered Ohio Professional Surveyor No. 6939 and is intended to replace the former erroneous and outdated description as recorded in Volume 95-7080, Page 58 of Cuyahoga Records.

Section 5. That the Mayor is hereby authorized to convey by official Deed or Deeds title to the blighted premises at a price to be determined by the Board of Control.

Section 6. That the Director of Community Development is hereby authorized to enter into and execute a project agreement on behalf of the

City of Cleveland with Famicos Foundation, or its designee for the redevelopment and/or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises. Said project agreement shall be substantially in the form of that contained in Council File No. 312-96-A.

Section 7. That the Mayor, Director of Law and the Director of Community Development are hereby authorized to execute such certifications and documents, and to take such other actions as may be necessary or appropriate in connection with the carrying out of the terms of the project agreement, and the activities contemplated by Chapter 324 of the Codified Ordinances.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 348-96.
By Councilmen Miller, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Whereas, in Ordinance No. 1887-95, passed by the Council on November 20, 1995, the Council authorized the Commissioner of Purchases and Supplies to sell City-owned land no longer needed for public use located at Westport and West 180th Street to Chelm Management Company; 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 City acknowledges, states, and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land heretofore subject to the Trust Indenture be released and removed from all obligations under said Trust Indenture; that the portions of the land to be released are described as follows:

Proposed Cleveland
Business Park
Parcel A - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning in the Southeasterly right of way line of Rocky River Drive, at its intersection with the Northerly line of said Kroehle Com-

pany's Westport Subdivision, said intersection point being the principal place of beginning;

Thence South 88° 55' 19" East along said Northerly line of the Kroehle Company's Westport Subdivision, 73.74 feet to an iron pipe on the Northwesterly line of State Highway No. 713 (100 feet wide);

Thence South 10° 20' 02" West along said Northwesterly line of State Highway No. 713, 126.69 feet to a point on the North right of way line of Westport Avenue (54 feet wide) as recorded in Kroehle Company's Westport Subdivision;

Thence North 88° 52' 09" West along said Northerly right of way line of Westport Avenue, 94.05 feet to a point of curvature therein;

Thence along the arc of a curve deflecting to the right, having a radius of 10.00 feet whose chord bears North 31° 47' 58" West, 16.79 feet and an arc distance of 19.92 feet to a point of tangency on the Southeasterly right of way line of said Rocky River Drive;

Thence North 25° 16' 14" East along said Southeasterly right of way line, 121.53 feet to a point and the place of beginning, containing within said boundaries 11,398 square feet (0.2617 Acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Proposed Cleveland
Business Park
Parcel B - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning on the Easterly line of State Highway No. 713 at its intersection of the Northerly line of said Kroehle Company's Westport Subdivision;

Thence South 88° 55' 19" East along said Northerly line 1,087.12 feet to its point of intersection with the Westerly right of way line of West 180th Street (50 feet wide);

Thence South 01° 00' 35" West along said Westerly right of way line of West 180th Street, 126.16 feet to a point on the North right of way line of Westport Avenue (54 feet wide);

Thence North 88° 52' 09" West along said Northerly right of way line of Westport Avenue, 1,107.67 feet to a point on the Easterly right of way line of State Highway No. 713;

Thence North 10° 20' 02" East along said Easterly right of way line of State Highway No. 713, 126.78 feet to a point and place of beginning, containing within said boundaries 137,888 square feet (3.1655 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Proposed Cleveland
Business Park
Parcel C - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Kroehle Company's Westport Subdivision as recorded in Volume

111, Page 39 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning on the Easterly right of way line of West 180th Street (50 feet wide) at its intersection with the Northerly line of Kroehle Company's Westport Subdivision aforesaid;

Thence South 88° 55' 19" East along said Northerly line 458.81 feet to its point of intersection with the Westerly right of way line of Harwell Road;

Thence South 01° 04' 41" West along said Westerly right of way line of Harwell Road, 31.60 feet to an angle point therein;

Thence South 13° 01' 59" West along said Westerly right of way line of Harwell Road, 97.11 feet to a point on the Northerly right of way line of Westport Avenue (54 feet wide);

Thence North 88° 52' 09" West along said Northerly right of way line of Westport Avenue, 438.54 feet to a point on the Easterly right of way line of West 180th Street (50 feet wide);

Thence North 01° 00' 35" East along said Easterly right of way line of West 180th Street, 126.20 feet to a point and the place of beginning, containing 57,035 square feet (1.3093 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Proposed Cleveland
Business Park
Parcel D - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records, and other parcels of land. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning in the Southeasterly right of way line of Rocky River Drive, at the Northwesterly corner of Parcel 1A of land conveyed to Phillip Enterprises, Inc., by deed Dated April 12, 1994 and recorded in Volume 94-04805, Page 16 of Cuyahoga County Records;

Thence North 25° 16' 14" East along said Southeasterly right of way line, 77.86 feet to an iron pin found at a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 1,110.02 feet whose chord bears North 28° 01' 07" East, 106.44 feet and an arc distance of 106.48 feet to a point of reverse curvature therein;

Thence along the arc of a circle deflecting to the left, having a radius of 1,110.02 feet whose chord bears North 28° 01' 07" East, 106.44 feet and an arc distance of 106.48 feet to a point of tangency therein;

Thence North 25° 16' 14" East, 92.46 feet to an iron pin found at an angle point therein;

Thence South 88° 28' 10" East, 5.48 feet to an iron pin found at an angle point therein;

Thence North 25° 16' 14" East continuing along said Southeasterly line of Rocky River Drive 120.88 feet to a point of curvature in the Southerly right of way line of

Westport Avenue (54 feet wide) as recorded in the aforesaid Kroehle Company's Westport Subdivision;

Thence along the arc of a circle deflecting to the right in said Southerly right of way line, having a radius of 25 feet whose chord bears North 58° 12' 02" East, 27.18 feet and an arc distance of 28.74 feet to a point of tangency therein;

Thence South 88° 52' 09" East along said Southerly right of way line of Westport Avenue, 82.92 feet to a point on the Westerly line of State Highway No. 713;

Thence South 10° 20' 02" West along said Westerly line of State Highway No. 713, 516.24 feet to the Northeastly corner of land conveyed to Phillip Enterprises by deed dated March 10, 1994 and recorded in Volume 94-02335, Page 48 of Cuyahoga County Records;

Thence North 79° 43' 37" West along the Northerly line of land so conveyed to Phillip Enterprises, Inc., 247.14 feet to the Southeastly line of Rocky River Drive and the place of beginning, containing within said boundaries 86,883 square feet (1.9946 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Proposed Cleveland
Business Park
Parcel E - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Westport Subdivision No. 2 as recorded in Volume 161, Page 25 of Cuyahoga County Records and part of the Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning in the Southerly right of way line of Westport Avenue (54 feet wide) at its intersection with the Easterly right of way line of State Highway No. 713;

Thence South 88° 52' 09" East along said Southerly right of way line of Westport Avenue, 480.79 feet to a point on the Westerly right of way line of West 181st Street (50 feet wide);

Thence South 01° 06' 58" West along said Westerly right of way line of West 181st Street, 226.05 feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 25.00 feet whose chord bears South 46° 07' 59" West, 35.37 feet and an arc distance of 39.28 feet to a point of tangency on the Northerly right of way line of Sally Avenue (50 feet wide);

Thence North 88° 50' 59" West along said Northerly right of way line of Sally Avenue 445.92 feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 25.00 feet whose chord bears North 45° 22' 24" West, 34.40 feet and an arc distance of 37.94 feet to a point of tangency;

Thence North 01° 53' 48" West, 101.47 feet to a point on the Easterly right of way line of State Highway No. 713;

Thence North 10° 20' 02" East along said Easterly right of way line of State Highway No. 713, 127.53 feet to a point and the place of beginning, containing within said

boundaries 123,843 square feet (2,8430 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Proposed Cleveland
Business Park
Parcel F - East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Westport Subdivision No. 2 as recorded in Volume 161, Page 25 of Cuyahoga County Records and part of the Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records, and other parcels of land. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and bounded and described as follows:

Beginning in the Southerly right of way line of Westport Avenue (54 feet wide) at its intersection with the Easterly right of way line of West 181st Street (50 feet wide);

Thence South 88° 52' 09" East along said Southerly right of way line of Westport Avenue, 1,088.60 feet to a point on the Westerly limited access (L/A) line of the Airport Freeway;

Thence South 01° 09' 50" West along said L/A line, 41.62 feet to an angle point therein;

Thence South 29° 03' 49" West along said L/A line, 95.83 feet to an iron pipe at an angle point therein;

Thence North 88° 57' 46" West along said L/A line, 19.04 feet to an iron pin found at an angle point therein;

Thence South 42° 12' 47" West along said L/A line, 300.40 feet to an iron pipe found at an angle point therein;

Thence South 63° 23' 38" West along said L/A line, 155.23 feet to an angle point therein;

Thence South 68° 05' 15" West along said L/A line, 362.17 feet to an iron pin found at an angle point therein;

Thence South 71° 42' 46" West along said L/A line, 113.39 feet to an iron pin found at an angle point therein;

Thence South 74° 47' 50" West along said L/A line, 952.66 feet to an iron pin found at its point of intersection with the Easterly line of State Highway No. 713;

Thence Northerly along the curved Easterly line of said State Highway No. 713, being the arc of a circle deflecting to the right, having a radius of 261.48 feet whose chord bears North 03° 18' 42" East, 63.61 feet and an arc distance of 63.77 feet to a point of tangency therein, said point referenced by an iron pin found 0.02 feet South and 0.03 feet East;

Thence North 10° 17' 52" East continuing along said Easterly line of State Highway No. 713, 205.10 feet to the Northeastly corner of a parcel of land conveyed to Phillip Enterprises, Inc., by deed dated March 10, 1994 and recorded in Volume 94-02335, Page 48 of Cuyahoga County Records;

Thence North 10° 20' 02" East along the Easterly line of said State Highway No. 713, 309.44 feet to a point on the Southerly right of way line of Sally Avenue (50 feet wide);

Thence South 88° 50' 59" East along said Southerly right of way line of Sally Avenue, 1,195.02 feet to a point of curvature therein;

Thence along the arc of a circle

deflecting to the right, having a radius of 35.00 feet whose chord bears South 66° 18' 00" East, 26.84 feet and an arc distance of 27.55 feet to a point of compound curvature;

Thence along the arc of a circle deflecting to the left in the Cul-de-Sac of Sally Avenue, having a radius of 50 feet whose chord bears North 01° 09' 01" East, 70.59 feet and an arc distance of 235.79 feet to a point of compound curvature in the Northerly right of way line of Sally Avenue;

Thence along the arc of a circle deflecting to the right in said Northerly right of way line of Sally Avenue, having a radius of 35.00 feet whose chord bears South 68° 36' 03" West, 26.84 feet and an arc distance of 27.55 feet to a point of tangency;

Thence North 88° 50' 59" West along said Northerly right of way line of Sally Avenue, 589.99 feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right having a radius of 25.00 feet whose chord bears North 43° 52' 01" West, 35.34 feet and an arc length of 39.25 feet to a point of tangency on the Easterly right of way line of West 181st Street (50 feet wide);

Thence North 01° 06' 58" East along said Easterly right of way line of West 181st Street, 226.09 feet to a point and the place of beginning, containing 748,325 square feet (17.1792 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

That the purpose of said release is for the public purpose of economic development; and that certain public improvements will be constructed on the land to be released, including public roads and public utilities.

Legal Description For Portion
Of Block B

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Block B in the Kroehle Company's Westport Subdivision of a part of Original Rockport Township Section No. 3, as shown by the recorded plat in Volume 111 of Maps, page 39 of Cuyahoga County Records and further bounded and described as follows:

Beginning at the Northwest corner of Block B, said corner being on the Easterly line of Rocky River Drive S.W.,

thence South 89°30'20" East, 87.68 feet to a point; said point being on the Westerly line of S.R. 713, and also being the true place of beginning;

thence continuing South 89°30'20" East, 17.98 feet to the Northeast corner of Block B, as aforesaid;

thence South 0°32'40" West along the Easterly line of said Block B, 74.98 feet to the Southeast corner thereof and to a point on the Northerly line of Westport Avenue S.W. (54 feet wide);

thence North 89°27'20" West along the Northerly line of Westport Avenue S.W., 29.94 feet to a point;

thence North 9°36'33" East, 75.91 feet to the true place of beginning and containing 5858 square feet of land (0.1345 acres) be the same more or less, but subject to all legal highways and easements of record. This legal description was prepared from records using an assumed meridian to designate angles only,

by Jomarie Wasik, P.S. (#7027) on May 13, 1996.

Section 2. That the Director of Port Control is authorized to apply to the Cleveland Trust Company, as trustee, for release of the land described in Section 1 pursuant to that Trust Indenture dated November 1, 1976, as amended.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 349-96.
By Councilmen Miller, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance preferring certain representations for purposes of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Whereas, in Ordinance No. 1416-95, passed by the Council on December 18, 1995, the Council authorized the Commissioner of Purchases and Supplies to sell City-owned land no longer needed for public use located in the vicinity of Grayton Road north of Interstate 480 to Amsdell Companies, or their designees; 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 City acknowledges, states, and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land heretofore subject to the Trust Indenture be released and removed from all obligations under said Trust Indenture; that the portions of the land to be released are described as follows:

HILLSIDE SUBDIVISION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Easterly line of land conveyed to Dorothy Page by deed filed for record September 18, 1953 and recorded in Volume 7866, Page 281 of Cuyahoga County Records at the Northwestern corner of land conveyed to Crown Construction Corporation by deed dated June 30, 1954 and recorded in Volume 8066, Page 532 of Cuyahoga County Records;

Thence North 0° 11' 28" East along the Easterly line of land so conveyed to Dorothy Page and along the Easterly line of land conveyed to The Horvitz Company by deed dated May 14, 1943 and recorded in Volume 5609, Page 326 of Cuyahoga County Records and the Easterly line of land conveyed to the Board of Park Commissioners of

the Cleveland Metropolitan Park District by deed dated April 29, 1925 and recorded in Volume 3282, Page 587 of Cuyahoga County Records a distance of 1178.94 feet to the Southwesterly corner of land conveyed to the Board of Park Commissioners of the Cleveland Metropolitan Park District by deed dated December 14, 1925 and recorded in Volume 3380, Page 503 of Cuyahoga County Records;

Thence Northeasterly along the Southeasterly line of land so conveyed the following courses and distances, North 43° 46' 25" East 47.77 feet, North 51° 16' 10" East 138.70 feet, North 71° 46' 39" East 173.35 feet to the Westerly line of land conveyed to the Board of Park Commissioners of the Metropolitan Park District by deed dated November 10, 1925 and recorded in Volume 3378, Page 597 of Cuyahoga County Records;

Thence South 0° 20' 31" East along the Westerly line of land so conveyed 75.56 feet to the Southwesterly corner thereof;

Thence Easterly along the Southerly line of said land the following courses and distances North 74° 14' 12" East 70.85 feet, North 78° 41' 11" East 164.73 feet, South 84° 07' 25" East 73.23 feet to the Westerly line of land conveyed to Maude R. Koch et al by deed filed for record of March 10, 1954 and recorded in Volume 8023, Page 192 of Cuyahoga County Records;

Thence South 1° 35' 26" West along the Westerly line of land so conveyed 1274.80 feet to the Northeasterly corner of land conveyed to the City of Cleveland by deed dated March 18, 1940 and recorded in Volume 5060, Page 180 of Cuyahoga County Records;

Thence South 82° 37' 28" West along the Northeasterly line of land so conveyed to the City of Cleveland and along the Northeasterly line of land conveyed to Crown Construction Corporation as aforesaid 268.57 feet to an angle therein;

Thence South 87° 24' 02" West along the Northerly line of land so conveyed to Crown Construction Corporation 311.44 feet to the place of beginning and being further known as Sublots 1 to 84, both inclusive in Hillside Subdivision of part of Original Rockport Township Section No. 4 as shown by the recorded plat in Volume 195 of Maps, Page 56 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN: 029-05-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Albert Dunham by deed dated March 11, 1871, and recorded in Volume 188, Page 486a of Cuyahoga County records, at the Southwesterly corner of land conveyed to Crown Construction Corporation by deed dated October 27, 1954 and recorded in Volume 8232, Page 622 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land so conveyed to Crown Construction Corporation, 150 feet to the Northwestern corner thereof;

Thence Easterly along the Northerly line of land so conveyed,

25 feet to the Westerly line of land conveyed to Crown Construction Corporation by deed dated June 30, 1954 and recorded in Volume 8066, Page 532 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land conveyed to Crown Construction Corporation, as last aforesaid, about 331.21 feet to the Southwesterly corner of land conveyed to Dorothy P. Hutchinson by deed dated October 21, 1954 and recorded in Volume 8234, Page 302 of Cuyahoga County Records;

Thence Easterly along the Southerly line of land so conveyed, 25 feet to the Southeasterly corner thereof;

Thence Northerly along the Easterly line of land so conveyed, 170.61 feet to the Southerly line of land conveyed to Sarah E. Cronk by deed dated December 21, 1873, and recorded in Volume 228, Page 6 of Cuyahoga County Records;

Thence Westerly along the Southerly line of land so conveyed and along the Northerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records, which is also along the center line of Hillside Road, Proposed, 20 feet wide, 110 feet;

Thence Southerly and parallel with the Westerly line of land conveyed to Crown Construction Corporation by deed recorded in Volume 8066, Page 532 of Cuyahoga County Records; as aforesaid, 640.74 feet to the Northerly line of land conveyed to Albert Dunham as first aforesaid; Thence Easterly along the Northerly line of land so conveyed to Albert Dunham, 59.31 feet to the place of beginning, be the same more or less, but subject to all legal highways.

That the purpose of said release is for the public purpose of economic development; and that certain public improvements will be constructed on the land to be released, including public roads and public utilities.

Section 2. That the Director of Port Control is authorized to apply to the Cleveland Trust Company, as trustee, for release of the land described in Section 1 pursuant to that Trust Indenture dated November 1, 1976, as amended.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 367-96.
By Councilman Paulenske (by request).

An emergency ordinance authorizing the Director of Public Regency House Limited Partnership to encroach into the public right-of-way of East 9th St. and Superior Ave. for canopies, awnings, and building overhangs for the construction of the Hampden Inn.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to the Regency House Limited Partnership, its successors and assigns, for the construction, use and maintenance of a four-foot building overhang at East 9th Street; canopies at Superior Avenue and East 9th Street entrances; awnings on the south and east sides of the proposed Hampden Inn building at 1460 East 9th Street; and tie-backs on the south and east sides of the aforesaid Hampden Inn building; which will encroach into the public right-of-way on East 9th Street and Superior Avenue, at the locations more fully described herein as follows:

ENCROACHMENT FOR 4-FOOT OVERHANG OF BUILDING AT EAST 9TH STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 72 and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 9th Street (99 feet wide) and northerly line of Superior Avenue (132 feet wide); thence North 39°-42'-40" West, 128.67 feet, along the said westerly line of East 9th Street to a point; thence North 50°-17'-20" East, 4.00 feet to a point; thence South 39°-42'-40" East, 128.67 feet to a point; thence South 50°-17'-20" West, 4.00 feet to the place of beginning be the same more or less but subject to all legal highways.

ENCROACHMENT FOR CANOPY AT SUPERIOR AVENUE ENTRANCE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 72, and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 9th Street (99 feet wide), and northerly line of Superior Avenue (132 feet wide); thence South 50°-00'-00" West, 15.00 feet, along the northerly line of Superior Avenue to the principal place of beginning; thence continuing South 50°-00'-00" West, 19.00 feet to a point; thence South 39°-42'-40" East, 5.83 feet to a point; thence North 50°-17'-20" East, 19.00 feet to a point; thence North 39°-42'-40" West, 5.92 feet to the principal place of beginning be the same more or less, but subject to all legal highways.

ENCROACHMENT FOR CANOPY AT EAST 9TH STREET ENTRANCE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 72 and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 9th Street (99 feet wide), and northerly line of Superior Avenue (132 feet wide); thence North 39°-42'-40" West, 52.00 feet along the said westerly line of East 9th Street to a point and the principal place of beginning; thence continuing North 39°-42'-40" West, 26.00 feet along the said westerly

line of East 9th Street to a point; thence North 50°-17'-20" East, 12.00 feet to a point; thence South 39°-42'-40" East, 26.00 feet to a point; thence South 50°-17'-20" West, 12.00 feet to the principal place of beginning be the same more or less but subject to all legal highways.

ENCROACHMENT FOR AWNINGS ON SOUTH AND EAST SIDES OF BUILDING

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 72 and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 9th Street (99 feet wide), and northerly line of Superior Avenue (132 feet wide); thence South 50°-00'-00" West, 53.78 feet, along the northerly line of Superior Avenue to the southwest corner of Sublot No. 28 in J. A. Rockwell and others Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records; thence South 39°-42'-40" East, 5.73 feet to a point; thence North 50°-17'-20" East, 58.78 feet to a point; thence North 39°-42'-40" West, 134.67 feet to a point; thence South 50°-17'-20" West, 6.00 feet to the westerly line of said East 9th Street; thence South 39°-42'-40" East, 128.67 feet, along the said westerly line of said East 9th Street, to the place of beginning be the same more or less but subject to all legal highways.

ENCROACHMENT FOR TIE-BACKS ON SOUTH AND EAST SIDES OF BUILDING

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 72 and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 9th Street (99 feet wide), and northerly line of Superior Avenue (132 feet wide); thence South 50°-00'-00" West, 52.78 feet, along the northerly line of Superior Avenue to the southwest corner of Sublot No. 28 in J.A. Rockwell and others' Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records; thence South 40°-00'-00" East, 50.00 feet to a point; thence North 50°-00'-00" East, 97.53 feet to a point; thence North 39°-42'-40" West, 178.44 feet to a point; thence South 50°-17'-20" West, 45.00 feet to the westerly line of said East 9th Street; thence South 39°-42'-40" East, 128.67 feet, along the said westerly line of East 9th Street, to the place of beginning be the same more or less but subject to all legal highways.

Section 2. That said canopies, awnings, and building overhangs, will be constructed within the public right-of-way of East 9th Street and Superior Avenue at the locations aforesaid in Section 1, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleve-

land has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 617-96.

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

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXII Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements. CDBG Year XXII.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and

materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in Year XXII Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Year XXII Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Director of Public Service is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are

hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work ending on June 30, 1997, upon a unit basis. In

the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1997, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering 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 prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services

shall be made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SF 020, 14 SF 021 and SF 022.

Section 34. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 632-96.

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

An emergency ordinance declaring the property located at 9817-19 North Boulevard blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976, and authorizing the Director of Community Development to acquire the blighted premises and sell said premises to Famicos Foundation, or its designee.

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

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

Section 1. That, pursuant to the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has hereby found and determined that Permanent Parcel No. 109-06-021, located at 9817-19 North Boulevard, Cleveland, Ohio, and owned by Harold McNeal, are blighted premises, as defined by Section 324.03 of said Codified Ordinances, because the blighted premises has been condemned pursuant to the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owner of the blighted premises has not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice thereof.

Section 2. That a public hearing

was held in accordance and compliance with the requirements of Sections 324.08 and 324.09 of the Codified Ordinances.

Section 3. That, based upon the factors set forth in Section 1 hereinabove and compliance with the public notice requirements set forth in Section 2 hereinabove, this Council, as required by Sections 324.10 and 324.11, of the Codified Ordinances, hereby finds and determined that Permanent Parcel No. 109-06-021, located at 9817-19 North Boulevard, is a blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That based upon the findings and declarations set forth in Sections 1 through 3 of this ordinance, the Director of Community Development is hereby authorized to negotiate the acquisition of the blighted premises from the owner and sell said premises to Famicos Foundation, or its designee, pursuant to Sections 324.11 and 324.12 of the Codified Ordinances. Said blighted premises are more fully described as follows:

9817-19 North Boulevard

PPN: 109-06-021

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 232 in the Adams Realty Company's Superior Park Subdivision No. 5 of part of Original One Hundred Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 41 of Maps, Page 10 of Cuyahoga County Records, and being 40.41 feet front on the Northerly curved side of North Boulevard, N.E. and extending back 92.92 feet on the Easterly line, 98.54 feet on the Westerly line, and having a rear line of 40 feet, as shown by said plat, be the same more or less, but subject to all legal highways.

Section 5. That the Mayor is hereby authorized to convey by official Deed or Deeds title to the blighted premises at a price to be determined by the Board of Control.

Section 6. That the Director of Community Development is hereby authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Famicos Foundation, or its designee, for the redevelopment and/or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises. Said project agreement shall be substantially in the form of that contained in Council File No. 632-96-A.

Section 7. That the Mayor, Director of Law and the Director of Community Development are hereby authorized to execute such certifications and documents, and to take such other actions as may be necessary or appropriate in connection with the carrying out of the terms of the project agreement, and the activities contemplated by Chapter 324 of the Codified Ordinances.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 634-96.
By Councilmen Paulenske, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute an easement granting to 1460 Ninth Street Associated, Ltd. (Hampton Inn) certain easement rights in property located at East 9th and Rockwell and declaring said easement rights no longer needed for public use.

Whereas, 1460 Ninth Street Associated, Ltd. has requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located at East 9th and Rockwell; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

EASEMENT FOR TIE-BACKS

ON NORTH SIDE OF BUILDING

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 27 in J. A. Rockwell and others' Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, and further bounded and described as follows:

Beginning at the intersection of the Westerly line of East 9th Street (99 feet wide), and Northerly line of Superior Avenue (132 feet wide);

Thence North 39° 42' 40" West, 128.67 feet, along the said Westerly line of East 9th Street, to the principal place of beginning;

Thence South 50° 17' 20" West, 52.77 feet to the Westerly line of said Sublot No. 27;

Thence North 39° 42' 19" West, 30.00 feet along the said Westerly line of said Sublot No. 27 to a point;

Thence North 50° 17' 20" East, 52.76 feet to a point in the Westerly line of said East 9th Street;

Thence South 39° 42' 40" East, 30.00 feet along said Westerly line of East 9th Street, to the principal place of beginning be the same more or less but subject to all legal highways.

EASEMENT FOR AWNINGS

ON THE NORTH SIDE

OF BUILDING

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 27 in J. A. Rockwell and others' Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, and further bounded and described as follows:

Beginning at the intersection of the Westerly line of East 9th Street (99 feet wide), and Northerly line of Superior Avenue (132 feet wide);

Thence North 39° 42' 40" West, 128.67 feet, along the said Westerly

line of East 9th Street, to the principal place of beginning;

Thence South 50° 17' 20" West, 52.77 feet to the Westerly line of said Sublot No. 27;

Thence North 39° 42' 19" West, 6.00 feet along the said Westerly line of said Sublot No. 27 to a point;

Thence North 50° 17' 20" East, 52.77 feet to a point in the Westerly line of said East 9th Street;

Thence South 39° 42' 40" East, 6.00 feet along said Westerly line of East 9th Street, to the principal place of beginning be the same more or less but subject to all legal highways.

EASEMENT FOR SERVICE DRIVE INGRESS AND EGRESS

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 27 in J. A. Rockwell and others' Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, and further bounded land described as follows:

Beginning on the Southerly line of Rockwell Avenue (66 feet wide) at the Northwesterly corner of said Sublot No. 27;

Thence North 50° 01' 20" East, 12.67 feet along the said Southerly line of Rockwell Avenue to a point;

Thence South 39° 42' 19" East, 51.95 feet to a point;

Thence North 50° 17' 41" East, 7.00 feet to a point;

Thence South 39° 42' 19" East, 18.00 feet to a point;

Thence South 50° 17' 20" West, 19.67 feet to the Westerly line of said Sublot No. 27;

Thence North 39° 42' 19" West 69.89 feet, along said Westerly line of Sublot No. 27, to the place of beginning be the same more or less but subject to all legal highways.

EASEMENT FOR 8.67 FEET OF BUILDING OVER NORTH PROPERTY LINE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 27 in J. A. Rockwell and others' Subdivision of part of Original Two Acre Lot No. 72, as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, and further bounded and described as follows:

Beginning at the intersection of the Westerly line of East 9th Street (99 feet wide), and Northerly line of Superior Avenue (132 feet wide);

Thence North 39° 42' 40" West, 119.93 feet, along the said Westerly line of East 9th Street, to the Southeast corner of said Sublot No. 27 and the principal place of beginning;

Thence South 50° 00' 47" West, 52.77 feet along the Southerly line of said Sublot No. 27 to the Southwesterly corner thereof;

Thence North 39° 42' 19" West, 8.99 feet along the Westerly line of said Sublot No. 27 to a point;

Thence North 50° 17' 20" East, 52.77 feet to a point in the Westerly line of said East 9th Street;

Thence South 39° 42' 40" East, 8.74 feet, along said Westerly line of East 9th Street, to the principal place of beginning be the same more or less, but subject to all legal highways.

Section 2. That the easements shall be exclusive and the purpose of the easements shall be for 8.67 linear feet of building; for service

drive and for awnings and tie backs.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described exclusive easement interest to 1460 Ninth Street Associated, Ltd. at a price not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be permanent; that the easement may include reasonable access rights; that the easement shall be assignable; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties.

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 18, 1996.
 Effective June 26, 1996.

Ord. No. 702-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program. CDBG Year XXII.

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 hereby authorized to enter into contract with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

Section 2. That the cost of said contract shall be in an amount not to exceed \$280,000.00, and shall be paid from Fund No. 14 SF 022 Request No. 22364.

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 18, 1996.
 Effective June 26, 1996.

Ord. No. 709-96.
By Councilmen McGuirk, Patton, Rybka and Rokakis (by departmental request).

An emergency ordinance to amend the title, Sections 3, 4 and 9 of Ordinance No. 928-95, passed June 12, 1995, relating to the West 187th Street Rehabilitation 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, Sections 3, 4 and 9 of Ordinance No. 928-95, passed June 12, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the West 187th Street Rehabilitation Project; determining the method of making the public improvement of improving West 187th Street from Puritas to Sunset Avenues; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Directors of Public Service and Public Utilities to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Section 3. That, it is hereby determined to make the public improvement of improving West 187th Street from Puritas Avenue to Sunset Avenues including paving, grading, drainage, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances and replacing the sanitary sewer located within West 187th Street (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service and the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 4. That the Directors of Public Service and Public Utilities are hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combinations or such trades or components may be the subject of a separate contract upon a unit basis.

Section 9. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 241, 20 SF 322, 20 SF 302, 52 SF 219, 58 SF 223, as to the replacement of the sanitary sewer, Fund No. 54 SF 001, Request No. 22129, Request No. 21894, and from the proceeds of any grant funds from the Ohio Public Works Commission.

Section 2. That the existing title, Sections 3, 4 and 9 of Ordinance No. 928-95, passed June 12, 1995, are hereby repealed.

Section 3. That this ordinance is

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 767-96.
By Councilmen Polensek and Rokakis.

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Finley Fire Equipment for the purchase of replacement parts for Pierce fire apparatus, and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety, for a period not to exceed two 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Finley Fire Equipment. Therefore, the Director of Public Safety is hereby authorized and directed to make a written requirement contract for the period of two years with said Finley Fire Equipment for the purchase of replacement parts for Pierce fire apparatus, and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies, upon a unit basis for the Divisions of Emergency Medical Service and Fire, Department of Public Safety.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21144)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 768-96.
By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive

bidding with Sutphen Corporation for the purchase of replacement parts for Sutphen fire apparatus and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety, for a period not to exceed two 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Sutphen Corporation. Therefore, the Director of Public Safety is hereby authorized and directed to make a written requirement contract for the period of two years with said Sutphen Corporation for the purchase of replacement parts for Sutphen fire apparatus, and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies, upon a unit basis for the Divisions of Emergency Medical Service and Fire, Department of Public Safety.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21143)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 823-96.
By Councilmen Polensek and McGuirk (by departmental request).

An emergency ordinance to establish No Right Turns at the specific intersections in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, pursuant to Sections 413.09 and 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to No Right Turns.

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 4511.13 of the Ohio Revised Code, this Council does hereby prohibit right turns against a steady red signal, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday at the specific intersection in the City of Cleveland listed herein, which list shall be added to the

schedule on file with the Clerk of Council by amending File No. 106-76, established pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976.

WARD

10

INTERSECTION

E. 146 and St. Clair

DIRECTION

Southbound and Westbound

WARD

19

INTERSECTION

Lorain at West Boulevard

DIRECTION

Eastbound, and any other direction as the Commissioner of Traffic Engineering shall determine is necessary. The directions for which this restriction applies at this intersection shall be added to the list contained in File No. 106-76 on file with the Clerk of Council, and when so filed shall have the same force and effect as if expressly identified in this ordinance.

Section 2. That pursuant to Section 4511.13 of the Ohio Revised Code, this Council does hereby prohibit right turns against a steady red signal at a specific intersection in the City of Cleveland listed herein, which list shall be added to the schedule on file with the Clerk of Council by amending File No. 107-76, established pursuant to Section 413.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976.

WARD

21

INTERSECTION

Riveredge Drive at Lorain

DIRECTION

Eastbound

(Full time)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 824-96.
By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1996-97 Caribbean/Gang Task Force.

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 hereby authorized to apply for and accept a grant in the amount of \$102,825, from the U.S. Department of Justice, to conduct

the 1996-97 Caribbean/Gang Task Force, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 824-96-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$34,275.00 payable from Fund No. 01-60-02-0901, is hereby approved in all respects.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 825-96.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of one breathing air compressor and appurtenances, for the Division of Fire, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one breathing air compressor and appurtenances, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 20611.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 826-96.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the lease of hangar space for police aircraft and the purchase of aviation fuel, for the Division of Police, Department of Public Safety, for a period of one year, with a one year option to renew.

Whereas, this ordinance consti-

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is hereby authorized to lease aircraft hangar space, which may include the provision of ground handling service, and to purchase aviation fuel from the lessor, for the purpose of maintaining police aircraft. The selection of the hangar space shall be made by the Board of Control after canvass by the Director of Public Safety and may specify that the hangar space be located at Burke Lakefront Airport.

Section 2. That the term of the lease authorized by this ordinance shall be for a period of one year, upon execution of a contract, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year term, and cancellable upon thirty days written notice by said director.

Section 3. That the hangar space shall be leased at the fair market value as determined by the Board of Control.

Section 4. That said lease shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City.

Section 5. That the Director of Public Safety, and other appropriate City officials, are hereby authorized and directed to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That the cost of the lease authorized by this ordinance shall be paid from Fund No. 01-60-02-0641, Request No. 20094.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 827-96.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services for the 1996 Ohio EMS 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 hereby authorized to apply for and accept a grant in the amount of \$24,492, from the Ohio Department of Public Safety, Division of Emergency Medical Services, to conduct the 1996 Ohio EMS Grant, for the purposes set forth in the

application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 827-96-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$12,246.00 payable from Fund No. 01-60-04-0901, is hereby approved in all respects.

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 832-96.
By Councilmen Rybka, Polensek and McGuirk (by departmental request).

An emergency ordinance to repeal Section 457.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2603-91, passed August 19, 1992, and to supplement said Codified Ordinances by enacting new Section 457.04 relating to signs.

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 457.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2603-91, passed August 19, 1992, is hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 457.04 thereof, to read as follows:

Section 457.04 Signs

(a) **Purpose.** The regulations of this section are established to ensure that licensed parking facilities are furnished with signs which provide customers with accurate, useful, and legible information regarding rates and other operational matters. Furthermore, these regulations are established to ensure provision of signs which clearly and effectively identify parking available to visitors seeking daily or other short-term parking. The requirement for provision of such visitor-oriented signage is intended to promote economic activity in the City by facilitating easy access to parking which serves the Central Business District and major visitor attractions.

(b) **Display of Rates and Other Information.** The following regulations shall apply to all parking lots and garages subject to licensing regulations.

(1) **Display of Rates.** Each parking facility shall be furnished with signs readable from each vehicular entrance, displaying all parking rates applicable at any given time. When multiple rates are applicable

at a given time, the display shall include, at a minimum, the lowest and highest rates. All rates applicable at a given time shall be displayed in numerals which are the same size for each rate. Rates displayed on signs for surface lots or on free-standing signs for garages shall be a minimum height of 5 inches for dollar amounts and 3 inches for display of cents and other rate information. For garages, rates and rate information displayed on or adjacent to booths and ticket dispensers shall have a minimum character height of 2 inches.

(2) **Visibility of Rate Information.** For a surface lot or for a garage which is set back from the street, the sign displaying the required rate information shall be placed so that the rates are visible and readable to the motorist prior to entering the property. For a garage entrance located at the sidewalk edge, such sign shall be placed so that the rates are readable to the motorist prior to passing the ticket dispenser or attendant's booth.

(3) **Required Information.** In addition to the rate information required in division (b)(1) of this section, each parking facility shall display the following items of information: 1) a full listing of all rates applicable at all times, 2) the telephone number for after-hours contact, 3) the name of the operator, and 4) the closing time of the facility if exits are blocked after closing. Such additional information shall be displayed in lettering and numerals a minimum of 2 inches and a maximum of 8 inches in height, placed at all attendant's booths, all payment boxes and/or at all vehicular entrances.

(4) **Destination Information.** The sign(s) identifying the parking facility and/or its rates, as required in division (b)(1) of this section, may also display information identifying businesses or other uses served by the parking facility. Such information shall be displayed in lettering no more than 5 inches in height and shall be incorporated within the standard-size sign, as permitted in this section.

(c) **Special Event and Other Special Rate Parking.**

Information regarding flat rates for special event parking or other special time-period parking, such as "early bird specials," shall be displayed in accordance with the following regulations. Such sign may also be used to indicate that the garage is "full."

(1) Such rate information shall be displayed on the permanent free-standing sign or signs which identify the parking facility's regular rates, using changeable panels or electronically-changeable copy, in accordance with design standards adopted by the City Planning Commission.

(2) In the case of a garage which is not served by a free-standing rate sign, the special event or other special time-period parking rate may be displayed on a metal or plastic panel, mounted on a pole which is inserted into a base which is permanently affixed to the ground. Such sign shall be a maximum of six (6) square feet in area and four (4) feet in height above the ground and shall not project into the public right-of-way.

(3) Availability of parking for special events shall be identified by use of the term "Event," accompanied by the applicable rate. Such

information may be displayed in characters which are larger than those used for display of other rates.

(d) **Sign Structures and Locations.** The following regulations shall apply to all parking lots and garages subject to licensing regulations.

(1) **Sign Types.** Signs for parking facilities may take the form of a free-standing sign, a sign projecting from or otherwise applied to a building wall, a sign mounted on an attendant's booth, ticket machine or payment box, a sign placed on a canopy or marquee, or a sign mounted above a fence post or pier. Portable signs (i.e., "sandwich boards" and other signs not permanently affixed to the ground or to a permitted structure) shall not be permitted, except as permitted in division (c)(2) of this section.

(2) **Location of Signs.** No free-standing sign, nor any portion of such sign, shall be located within or above the public right-of-way, except as permitted in division (e)(1) of this section for a sign element displaying the international parking symbol. No sign projecting from a building wall shall extend to a point which is within two (2) feet of the outer edge of a street curb nor shall such sign extend more than five (5) feet from the building wall.

(3) **Vertical Clearance.** No portion of a sign located above a sidewalk or other pedestrian walking area shall be located less than eight (8) feet above the surface of such area. No portion of a sign located above a driveway or other vehicular way shall be located less than sixteen (16) feet above the surface of such area.

(4) **Primary and Secondary Signs.** As used in this section, the terms "primary signs" and "secondary signs" shall have the following meanings. "Primary signs" are a parking facility's principal signs identifying the parking facility and/or its rates. A primary sign may display other permitted information in addition to the identification and rate information. "Secondary signs" are signs which display only directional and instructional messages necessary to guide motorists and pedestrians within the parking facility. Signs which provide detailed rate information, supplementing that provided on the primary signs, shall also be considered secondary signs.

(5) **Size, Number and Height of Signs.** Each parking facility shall be permitted a total of thirty-two (32) square feet of "primary sign" area for each vehicular entrance, except that two vehicular entrances located less than thirty (30) feet apart, as measured along the property line, shall be counted as a single entrance for this purpose. Such primary sign area permitted for each entrance may be displayed on either one or two sign structures. If two sign structures are used, rate information must be readable at each vehicular entrance. No single primary sign shall exceed thirty-two (32) square feet in area nor shall it exceed fifteen (15) feet in height if free-standing. "Secondary signs," if free-standing, shall not exceed six (6) square feet in area nor four (4) feet in height, and shall be placed, as approved by the City Planning Director, only where necessary to provide instructions to customers of the parking facility. Secondary

signs displayed on building walls or on overhead structures shall be no larger than necessary to display permitted information in a readable manner, as determined by the City Planning Director.

(6) **Measurement of Sign Area.** Only one side of double-sided signs shall be counted in the measurement of sign area if the two sides are in parallel, back-to-back arrangement.

(d)(7) **Temporary Signs.** For a newly-established license parking facility, the following temporary signs shall be permitted for a period not exceeding sixty (60) days following the opening of the parking facility:

A. signs substituting for approved but not-yet-installed permanent signs, conforming, to the maximum extent feasible, with all regulations and design standards for permanent signs except those pertaining to fabrication materials; and

B. for each vehicular entrance, one wall-mounted banner, not exceeding forty (40) square feet in area, or one free-standing temporary sign, not exceeding ten (10) square feet in area, announcing the opening of the parking facility.

(e) **Signs for Visitor-Oriented Parking Facilities.** In addition to other applicable regulations of this section, the following supplemental regulations shall apply to signs for parking facilities which are available to the general public on a hourly, daily or special event basis (i.e., "visitor-oriented parking facilities"). These supplemental regulations shall not apply to parking facilities which are restricted to use by employees, residents, faculty or students of businesses, institutions or other buildings served by the parking facility nor shall these regulations apply to parking facilities which are restricted exclusively to use on a weekly or monthly basis.

(1) **Use of the International Parking Symbol.** All visitor-oriented parking facilities shall be furnished with a sign or signs, visible from each vehicular entrance, displaying the international parking symbol, displayed as a white letter "P" at least 14 inches in height, placed on a purple (PMS #2685) circular background, a minimum of 22 inches in diameter. The design shall be in accordance with design standards adopted by the City Planning Commission. In the case of a free-standing sign, the parking symbol may project over a public sidewalk, extending no more than thirty (30) inches beyond the property line and maintaining a minimum vertical clearance of eight (8) feet. No other element of such sign may project over the public sidewalk.

(2) **Design Standards.** The City Planning Commission shall adopt and disseminate design standards which, through use of narrative materials and illustrations, describe and depict signs which conform to the requirements of this section applicable to signs for visitor-oriented parking facilities. The standards shall also provide supplemental information on such design elements as color, materials, illumination, methods of attachment, border areas, positioning of information items, etc.

(3) **Approval Process.** The Director of the City Planning Commission shall determine whether a proposed sign for a visitor-oriented parking facility meets the requirements of this section and the adopted design

standards, and shall approve or disapprove each application on that basis. In the case of a proposed sign which does not meet the requirements of this section, the City Planning Commission may approve the sign if it determines that such sign meets the standards of division (e)(7) of this section.

(4) **Comprehensive Sign Systems for Large-Scale Facilities.** In the case of a large-scale complex of facilities served by a network of parking lots or garages under common management, the City Planning Commission may approve signs which differ from the standards established in this section as necessary to create a uniform series of signs which identify parking facilities serving such complex.

(5) **Replacement of Nonconforming Signs.** For parking signs installed prior to the initial effective date of this ordinance, any such signs which do not conform to the applicable regulations of this section shall be replaced by conforming signs in accordance with the following schedule, except as provided in division (e)(6) of this section.

A. For parking facilities located within the Downtown Core and Downtown Lakefront Parking Districts, as established in Section 457.035, and for parking facilities located in the area directly north of the Downtown Lakefront Parking District, all nonconforming signs shall be replaced or removed by August 1, 1997, except that any nonconforming sign installed pursuant to a Building Permit issued between June 1, 1991 and May 31, 1996, shall be replaced or removed by August 1, 1998.

B. For parking facilities located within the Gateway, Warehouse, Erieview, and Flats Parking Districts, as established in Section 457.035, all nonconforming signs shall be replaced or removed by August 1, 1998.

C. For parking facilities located within the remainder of the City, all nonconforming signs shall be replaced or removed by August 1, 1999.

(6) **Retention of Nonconforming Signs.** With respect to signs whose replacement is required under the provisions of division (e)(5), any owner wishing to retain such sign shall submit a written request to the City Planning Commission no later than six (6) months prior to the date on which replacement is required. Such application shall include the address of the parking place, a sketch showing the sign's dimensions and its approximate location on the property, and color photographs of the sign. The City Planning Commission shall, within two (2) months of receipt, approve retention of the sign if it determines that such sign meets the standards of division (e)(7) of this section.

(7) **Standards for Approval of Nonconforming Signs.** With respect to an application for the installation or retention of a sign which does not conform to the regulations of this section, the City Planning Commission shall approve such application if it determines that the sign, either alone or in combination with other signs, provides information which is sufficient to fulfill the stated purposes of this section, and that the sign meets the following standards, as applicable:

A. the sign is attached to the wall

of a building and is better suited to the design of such building than a conforming sign would be, or

B. the sign meets a higher standard of design quality than would result from minimal conformance to the standards of this section, or

C. the sign has been designed so that it is more appropriate to its environs or the uses which it serves than a conforming sign would be, or

D. the sign is part of a comprehensive signage system for a large-scale complex of facilities, and such system meets the standards of division (e)(4), and

E. in the case of a new sign, the deviation from the otherwise applicable regulations of this section is the minimum necessary to meet one or more of the special standards established for approval of nonconforming signs.

(f) **Application.** Plans for installation of signs regulated in this section shall be submitted to the City Planning Director either prior to or concurrently with submission of any required Building Permit application. The plans shall be sufficient to demonstrate compliance with all regulations of this section and with the design standards adopted by the City Planning Commission pursuant to the provisions of this section. No signs regulated in this section shall be installed before approval by the City Planning Director and issuance of any required Building Permit.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 872-96.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Byrne Memorial for the Teen Court 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 Safety is hereby authorized to apply for and accept a grant in the amount of \$41,898.47, from the Byrne Memorial, to conduct the Teen Court Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 872-96-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$13,966.16 from Fund No. 01-60-01-0901, is hereby approved in all respects.

Section 3. That this ordinance is

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 918-96.
By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase, lease or lease with option to purchase of trucks, vans, passenger cars and heavy equipment for use by various departments and divisions of the City, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of trucks, vans, passenger cars and heavy equipment for use by the various departments and divisions of the City, as detailed in the document entitled "Listing of 1996 Vehicle Purchases" contained in File No. 918-96-A. For each type of vehicle listed under the column entitled "Description" on the document to said file, the vehicle(s) shall be purchased solely for the use of the department or division listed under the column entitled "Division," the total cost of each type of vehicle shall not exceed the total amount listed under the column entitled "Total Estimated Cost" and the cost of each type of vehicle shall be paid solely from the funds identified under the appropriate column. The total amount of all purchases pursuant to this ordinance shall not exceed \$5,440,000.00. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 2. That pursuant to Section 108(b) of the Charter, the purchases, leases or leases with option to purchase authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts, and may enter into contract with the vendors selected through that cooperative process.

Section 3. The cost of said contract shall be paid from Fund Nos. 10 SF 006, 52 SF 001, 58 SF 001, 54 SF 001, 60 SF 001, 10 SF 027, 10 SF 025 and 81 SF 001. (RL 20006)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 919-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install a telecommunications system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a telecommunications system at various Cleveland Public Power locations, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 58 SF 001 and 58 SF 211, Request No. 22101.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 921-96.
By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs. CDBG Year XXII.

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 hereby authorized to enter into contract with the following agencies to provide social service programs:

A Cultural Exchange
AACCESS, Ohio
Alta Social Settlement
American Sickle Cell Anemia Association
Bellflower Center for Prevention of Child Abuse, Inc.
Better Living Center
Boys and Girls Clubs of Cleveland (Broadway)
Boys and Girls Clubs of Cleveland (Mt. Pleasant)
Boys and Girls Clubs of Cleveland (West Side)
Brooklyn Memorial Community Youth Center

Brownettes Academy of Charm, Inc.
Catholic Youth and Community Services Corp. Hispanic Senior Center
Catholic Youth and Community Services Corp. Martin DePorres Center
Center for Families and Children Center for the Prevention of Domestic Violence
Cleveland Mediation Center
Cleveland Women, Inc.
Collinwood Community Services Center/Elderly
Collinwood Community Services Center/Youth
Community Re-Entry, Inc./Elderly
Community Re-Entry, Inc./Counseling
Community Re-Entry, Inc./Youth Counseling
Community Socialization Program/Ward 6
Cornerstone Connection
Cory Senior Citizens Program
Custom Enrichment Center
Delta Tutoring and Nutrition Program, Inc.
East End Neighborhood House
EBC Ferry Development Corp.
El Barrio
Esperanza, Inc.
First United Methodist Church/Project Heat
Garden Valley Neighborhood House
GLAD Center, Inc.
Golden Age Centers of Greater Cleveland
Goodrich Gannett Neighborhood Center
Greater Cleveland Neighborhood Centers Assn./Midtown Professional Center/Elderly
Greater Cleveland Neighborhood Centers Assn./Midtown Professional Center/SNR
Guardian House Shelter aka Gologtha Baptist Church
Harambee: Services to Black Families
Harvard Community Services Center
Hijos de Borinquen Spanish American Center
Hunger Network of Greater Cleveland
Interchurch Council of Greater Cleveland
Karamu House, Inc.
Lexington Bell Community Center
M.C. Chatman Center for Humanitarian Services
Marotta Montessori Schools of Cleveland
May Dugan Multi-Service Center
Merrick House, Inc./Adult
Merrick House, Inc./Youth
Neighborhood Counseling Services
New Cleveland Food Basket Program
New Eye Glass Service
Nottingham Youth Center
OUR Community Center, Inc.-Glenville A.C.'s
Phillis Wheatley Association
Police Athletic League
Salvation Army, The/Family
Salvation Army, The/Elderly
Senior Citizen Resources/Elderly Comprehensive
Senior Citizen Resources/Transportation Program
Senior Outreach Services
Services for Independent Living, Inc.
Spanish American Committee for a Better Community
Starting Point
Substance Abuse Initiative of Greater Cleveland
Triumph House
Werner Community Outreach Program

West Side Community House/Elderly
West Side Community House/Child Day Care

West Side Counseling Consortium
West Side Ecumenical Ministry
YMCA - Broadway Branch
YMCA - Central Branch/West Side
YMCA - Glenville Branch
YMCA- Midtown East Branch aka East Urban YMCA

YMCA- West Park Branch
Section 2. That the City Departments implementing the Community Development Block Grant social service programs are hereby authorized to enter into contract with non-profit agencies providing social services.

Section 3. That the aggregate cost of the contracts authorized in Sections 1 and 2 of this ordinance shall be in an amount not to exceed \$3,230,000.00, and shall be paid from Fund Nos. 14 SF 021 and 14 SF 022, Request Nos. 22373, 22374 and 22375.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 922-96.

By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into 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 hereby authorized to expend funds and to enter into contracts with various housing development entities, or their designees, including those listed below, for the purpose of implementing the Housing Trust Fund Program:

A.M.E. Corporation
American Community Developers
Buckeye Area Development Corporation
Burten, Bell, Carr
CASH
Clark-Metro Development Corporation
Cleveland Housing Network
ColeJon
Detroit Shoreway Community Development Organization
Fairfax Renaissance Development Corporation
Famicos Foundation
Glenville Development Corporation
Grace Hospital
Mt. Pleasant Now Development Corporation
Neighborhood Revitalization Partners
New Village Corporation
Northeastern Neighborhood Development Corporation
Rysar Properties

Tremont West Development Corporation

Weinberger Group
Zaremba Cleveland Communities
Volunteers of America

Section 2. Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to homebuyers.

Section 3. That the cost of said contracts shall be in an amount not to exceed \$4,950,000.00, and shall be paid from Fund Nos. 13 SF 855, 14 SF 019, 14 SF 021 and 14 SF 022, Request No. 22371.

Section 4. 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 to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 923-96.

By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities. CDBG Year XXII.

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 hereby authorized to enter into contract with the following agencies to provide housing, commercial, industrial and real estate development activities:

City-wide Development Assistance Program

Cleveland Housing Network
Cleveland Neighborhood Development Corporation
Cleveland Tenants Organization
Living in Cleveland Center
Cleveland Restoration Society
Hispanic Business Association
Lutheran Housing Corporation:
Furnace Repair
Lutheran Housing Corporation:
Tool Loan
NHS of Cleveland, Inc.

CDC Competitive Grant Program

Amistad Development Corporation
Bellaire Puritas Development Corporation
Broadway Area Housing Coalition
Buckeye Area Development Corporation
Burten, Bell, and Carr Development Corporation
Clark Metro/HANDS
Collinwood Community Services Center
Collinwood Village Development Corporation
Cudell Improvement, Inc.
Detroit-Shoreway Community

Development Organization
Fairfax Renaissance Development Corporation

Famicos Foundation
Flats Oxbow Development Corporation

Friends of Shaker Square
Glenville Development Corporation

Historic Gateway Development Corporation

Historic Warehouse District
Hough Area Partners in Progress
Kamms Corner Development Corporation

Little Italy 2000
Midtown Corridor
Miles Ahead

Mt. Pleasant Now
Nolasco Housing Corporation
Northeast Shores Development Corporation

Northeastern Neighborhood Development Corporation

Ohio City Near West Development Corporation

Old Brooklyn CDC
Old Brooklyn USA
Slavic Village Broadway Development

Southwest Improvement Association

St. Clair-Superior Coalition
St. Vincent Quadrangle
Tremont West Development Corporation

Union-Miles Development Corporation
Westtown Community Development Corporation

Section 2. That the cost of said contracts shall be in an amount not to exceed \$2,194,000.00, and shall be paid from Fund Nos. 14 SF 021 and 14 SF 022, Request Nos. 22369 and 22370.

Section 3. That the Director of Community Development is authorized to accept program income and to deposit that program income in Fund No. 14 to be used a revolving fund to finance additional housing, commercial, industrial and real estate development activities.

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 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 18, 1996.

Effective June 26, 1996.

Ord. No. 924-96.

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

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with National City Bank for approximately 12.6 acres of City-owned property located in the Village of Highland Hills, with an option to purchase for an additional 13.0 acres within the first five years; and a right of first refusal to purchase the additional 13.0 acres for another five years.

Whereas, the City of Cleveland (the "City") desires to develop a Cleveland Enterprise Park on approximately 80 acres of land (the "Zone") situated in the Village of Highland Hills (the "Village") along Harvard Road, between Green and Northfield Roads (the "Property"), and has contracted with an engineering consultant to prepare a Master Plan for the commercial development of the Property; and

Whereas, the City and the Village have agreed to enter into a Joint Development Economic Zone Agreement ("J.D.A.") whereby the 80 acres of City owned land in the Village shall be rezoned for light industrial manufacturing uses; and

Whereas, National City Bank, a national banking association, has proposed to purchase from the City 12.6 acres of land (Sale Parcel) in order to construct a multi-story office building to serve as a bank operations center or such other office uses as are permitted such an association, which National City estimates will house 500 National City employees; and

Whereas, that the J.D.A. requires that the City and Village share income tax revenue such that the City will receive seventy-five percent (75%) of net income taxes of employees relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and

Whereas, National City Bank, in consideration for payment of \$54,000.00 and other valuable consideration, will receive an option to purchase an additional 13.0 acres of land (Option Parcel) on which it may construct a second multi-story office building to serve a substantially similar purpose; and

Whereas, in addition, the City will grant National City Bank a right of first refusal exercisable on the Option Parcel during years 6-10 from the date of purchase by National City Bank of the Sale Parcel; and

Whereas, National City projects a need for a third such building at this location, with the three buildings housing an estimated total of 1200 additional National City employees; and

Whereas, National City will organize a partnership among Cuyahoga County Community College, the Cleveland Public Schools, Warrensville Heights Public Schools, City of Cleveland programs funded by the Jobs Training Partnership Act and other institutions to recruit and place Cleveland residents in permanent jobs created by National City at the new facility; and

Whereas, the portions of the Property to be sold or optioned for sale to National City Bank are no longer needed for public use; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 1834 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor of the City of Cleveland and the Directors of Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the following described property to National City

Bank for the development of an office building to serve as a bank operations center and other office uses as are permitted a national banking association, which property is determined to be no longer needed for public use:

Light Industrial Parcel 3

Situated in the Village of Highland Hills, the County of Cuyahoga and State of Ohio and known as being a part of Original Lots No. 77 in original Warrensville Township and more fully described as follows:

Beginning at an iron pin monument found at the intersection of the centerline of Harvard Road (80 feet wide) and Green Road (80 feet wide).

Thence South $00^{\circ} 12' 39''$ East, along the centerline of said Green Road, 401.63 feet to an iron pin monument found on the Northerly line of said Original Lot No. 77.

Thence continuing along said centerline, South $00^{\circ} 01' 56''$ West, 514.91 feet to a point.

Thence North $89^{\circ} 58' 04''$ West, 40.00 feet to a point on the Westerly right of way line of Green Road and the true place beginning on this parcel of land;

Thence South $00^{\circ} 01' 56''$ West, along said Westerly right of way line, 598.66 feet to a point;

Thence West, along the Northerly line of a proposed cemetery, 850.00 feet to a point;

Thence North $00^{\circ} 01' 56''$ East, 708.31 feet to a point on the proposed Southerly right of way line of Millcreek Boulevard;

Thence South $79^{\circ} 57' 53''$ East, along said Southerly right of way, 430.82 feet to a point of curve;

Thence following the arc of a curve to the left, having a central angle of $10^{\circ} 02' 07''$, a radius of 297.94 feet, a chord distance of 52.12 feet and a chord bearing of South $84^{\circ} 58' 57''$ East, the arc distance of 52.18 feet to a point;

Thence East, continuing along said Southerly right of way, 343.79 feet to a point of curve;

Thence following the arc of a curve to the right, having a central angle of $90^{\circ} 01' 56''$, a radius of 30.00 feet, a chord distance of 42.44 feet and a chord bearing of South $44^{\circ} 59' 02''$ East, the arc distance of 47.14 feet to a point and the true place of beginning and containing 12.675 acres, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, State of Ohio, in May 1995, but subject to all legal roads, highways and easements of record.

The basis of bearing of this description is assumed and used to denote angles only.

Section 2. That the Project Agreement shall provide that National City Bank shall have an option to purchase the Option Parcel, as described below in this section, which option expires at the end of the "Option Period" which shall be the first 5 years from the date of the recording of conveyance of Sale Parcel from the City to National City Bank ("Conveyance Date"); and a right of first refusal exercisable to purchase the Option Parcel beginning six (6) years from the Conveyance Date and ending at the end of the tenth (10) year from the Conveyance Date (the "Period of the Right of First Refusal").

Light Industrial Parcel 3A

Situated in the Village of Highland Hills, the County of Cuyahoga and State of Ohio and known as being a part of Original Lots No. 77 in original Warrensville Township and more fully described as follows:

Beginning at an iron pin monument found at the intersection of the centerline of Harvard Road (80 feet wide) and Green Road (80 feet wide).

Thence South $00^{\circ} 12' 39''$ East, along the centerline of said Green Road, 401.63 feet to an iron pin monument found on the Northerly line of said Original Lot No. 77.

Thence continuing along said centerline, South $00^{\circ} 01' 56''$ West, 1113.58 feet to a point.

Thence North $89^{\circ} 58' 04''$ West, 40.00 feet to a point on the Westerly right of way line of Green Road.

Thence West, along the Northerly line of a proposed cemetery, 850.00 feet to a point and the true place of beginning of this parcel of land;

Thence continuing West, along said proposed cemetery, 789.15 feet to a point;

Thence North $03^{\circ} 12' 13''$ East, 733.10 feet to a point on the proposed Southerly right of way line of Millcreek Boulevard;

Thence following the arc of a curve to the left, having a central angle of $11^{\circ} 07' 20''$, a radius of 642.50 feet, a chord distance of 124.53 feet and a chord bearing of North $84^{\circ} 25' 20''$ East, the arc distance of 124.72 feet to a point;

Thence North $78^{\circ} 52' 40''$ East, along said Southerly right of way, 100.00 feet to a point of curve;

Thence along said Southerly right of way, following the arc of a curve to the right, having a central angle of $21^{\circ} 09' 27''$, a radius of 557.50 feet, a chord distance of 204.70 feet and a chord bearing of North $89^{\circ} 27' 23''$ East, the arc distance of 205.87 feet to a point;

Thence South $79^{\circ} 57' 53''$ East, continuing along said Southerly right of way, 326.83 feet to a point;

Thence South $00^{\circ} 01' 56''$ West, 708.31 feet to a point and the true place of beginning and containing 13.197 acres, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, State of Ohio, in May 1995, but subject to all legal roads, highways and easements of record.

The basis of bearing of this description is assumed and used to denote angles only.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Property Parcel described in Section 1 of this ordinance at a price not less than Sixty Thousand Dollars (\$60,000.00) per acre of the Sale Parcel taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the Option Parcel to National City Bank during the Option Period, at a price not less than Sixty Five Thousand Dollars (\$65,000.00) per acre, which this Council determines to be the

fair market value of the Option Parcel during the Option Period, taking into account all restrictions and encumbrances placed by the City of Cleveland in the deed of conveyance.

That during the Period of the Right of First Refusal, the Commissioner of Purchases and Supplies is authorized to sell the Option Parcel to National City Bank at a price not less than fair market value as will be determined by Council by appropriate legislation.

Section 5. That the conveyances to National City Bank shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland which quitclaim deed shall contain such provisions as deemed necessary by the Director of Law to protect the public interest.

Section 6. That all proceeds from the sale of the Sale Property and the Option Property shall be paid into Fund No. 17 SF 684, to be credited toward costs of certain infrastructure roads and utilities to the Property.

Section 7. That the Project Agreement shall be prepared by the Director of Law, and shall be substantially in the form set forth in File No. 924-96-A, and shall contain a provision requiring National City Bank to complete construction of a multi-story office building to serve as a bank operations center, or such other office uses as are permitted a national banking association, on the Sale Parcel within five (5) years of the Conveyance Date or the Sale Parcel shall revert to the City.

The Project Agreement shall further contain a provision requiring National City Bank to complete construction of a second multi-story office building to serve a substantially similar purpose within five (5) years from the date of conveyance of the Option Parcel to National City Bank or the Option Parcel shall revert to the City.

Section 8. That the Project Agreement may also provide for the City to pay for the installation of certain infrastructure, roads, and utilities to the Sale Parcel and Option Parcel, which costs shall be paid out of Fund No. 17 SF 684, in an amount equal to or not to exceed the proceeds from the sale to National City Bank of the Sale Parcel and Option Parcel.

Section 9. That the Project Agreement shall contain the following Equal Employment Opportunity, Affirmative Action, and MBE/FBE employment goals: National City Bank shall use best efforts to ensure (i) construction contracts, service contracts, professional services contracts, and supplies and purchases orders let on the project by it, its developer or by its general contractor by 30% certified Minority Business Enterprises ("MBE") and 10% certified Female Business Enterprises ("FBE"); and (ii) construction jobs created by the project be provided to at least 22.6% minorities in each trade, and 6.9% females in each trade.

Section 10. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development

are authorized to prepare and execute easements to Cleveland Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporations, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and assigns, to provide necessary services to the various properties within Cleveland Enterprise Park, and a temporary easement for purposes of ingress and egress to the Sale Parcel to National City Bank or its designee.

Section 11. That the Mayor, Directors of Law, Parks, Recreation and Properties and Economic Development are authorized to execute such documents, instruments, and certificates and take such other actions as are necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance, and to effectuate the installation of the infrastructure, roads and utilities associated with Cleveland Enterprise Park.

Section 12. That the Directors of Law, Parks, Recreation and Properties and Economic Development are authorized to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, engineering and architectural consultants, and other professional services necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance. These fees shall be paid from Fund No. 17 SF 305.

Section 13. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 926-96.
By Councilmen Miller, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Actron Manufacturing Company, or its designee, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio has determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Actron Manufacturing Company (the "Enterprise") has proposed to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason 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, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Actron Manufacturing Company, or its designee(s), for enterprise zone incentives on the basis that Actron Manufacturing Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the city of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Actron Manufacturing Company, or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park on Westport Avenue, in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the Director of Law shall prepare and approve said agreement and that said agreement 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 18, 1996.

Effective June 26, 1996.

Ord. No. 928-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to refurbish the exterior of the Burke Lakefront Airport terminal building, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to refurbish the exterior of the Burke Lakefront Airport terminal building, including but not limited to sandblasting and painting, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Burke Lakefront Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 20854.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 929-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance determining the method of making the public improvement of removing asbestos and asbestos containing materials from various sites at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of removing asbestos and asbestos containing materials from various sites at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 60 SF 114, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a pur-

pose which includes the above improvement, Request No. 20850.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 930-96.
By Councilmen Polensek, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit and the Street Crime Unit, CDBG Year XXII.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXII, 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 Director of Public Safety is hereby authorized to expend Community Development Block Grant funds in the amount of Two Million Dollars (\$2,000,000.00), from Fund No. 14 SF 022 Request No. 22372, for the Community Response Unit and the Street Crime Unit in conjunction with the Community Development Block Grant Program, Year XXII, and pursuant to the following schedule:

Personnel \$2,000,000.00
Other -0-

and that said Director and the Director of Community Development are hereby authorized to memorialize said expenditure through a memorandum of understanding.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 935-96.
By Councilmen Patton, McGuirk and Rokakis (by departmental request).

An ordinance to amend Sections 535.05, 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, and to restate Sections 535.04, 535.18 and 535.21 of said Codified Ordinances, as amended by Ordinance No. 2013-95, passed April 1, 1996, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

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

Section 1. That the rates, rules and regulations relating to the operation of the Division of Water, Department of Public Utilities, for

water service, fixed by the Board of Control by Resolution No. 305-96, adopted May 15, 1996, be and the same are hereby approved.

Section 2. That Sections 535.05 and 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby amended to read, respectively, as follows:

Section 535.05 Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead

(a) Regular beginning 4/4/96

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Three Cents (\$10.03). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-One Dollars and Forty-Four Cents (\$21.44) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Sixty-Three Cents (\$11.63). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Five Dollars and Sixty-Five Cents (\$25.65) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$13.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Seventy-Four Cents (\$10.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Two Dollars and Ninety-Six Cents (\$22.96) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Forty-Five Cents (\$12.45). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Thirty-Nine Cents (\$27.39) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used dur-

ing each three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$14.69). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Forty-Eight Cents (\$11.48). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Four Dollars and Fifty-Four Cents (\$24.54) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Twenty-Nine Cents (\$13.29). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Nineteen Cents (\$29.19) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Five Cents (\$15.65). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Twenty-Seven Cents (\$12.27). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Six Dollars and Twenty Cents (\$26.20) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Nineteen Cents (\$14.19). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Nine Cents (\$31.09) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$16.69). All water used in excess of 1,000 cubic feet during each three month billing period

shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Nine Cents (\$13.09). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Ninety-Three Cents (\$27.93) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Thirteen Cents (\$15.13). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Seven Cents (\$33.07) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Seventy-Seven Cents (\$17.77). All water used in excess of 1,000 cubic feet during each three month billing period shall be Thirty Seven Dollars and Ninety-Six Cents (\$37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Twenty-One Cents (\$6.21). There shall be a minimum charge of Six Dollars and Twenty-One Cents (\$6.21) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Twelve Cents (\$8.12). There shall be a minimum charge of Eight Dollars and Twelve Cents (\$8.12) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such

person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(4) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.06 Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead

(a) Regular beginning 4/4/96 through 12/31/96

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$13.74).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$14.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Five Cents (\$15.65).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$16.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each

three month billing period shall be Seventeen Dollars and Seventy-Seven Cents (\$17.77).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Seven Dollars and Ninety-Six Cents (\$37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 3. That existing Sections 535.05 and 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby repealed.

Section 4. That Sections 535.04, 535.18 and 535.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby restated to read as follows:

Section 535.04 Direct Service Water Rates within Cleveland; Regular and Special Homestead

(a) Regular beginning 4/4/96 through 12/31/96

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Five Dollars and Fifty-Eight Cents (\$5.58).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Eleven Dollars and Ninety-Seven Cents (\$11.97) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Five Dollars and Ninety-Nine Cents (\$5.99).

2. All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twelve Dollars and Eighty-Four Cents (\$12.84) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service, and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Six Dollars and Forty-One Cents (\$6.41).

(2) All water used in excess of

1,000 cubic feet during each three month billing period shall cost Thirteen Dollars and Seventy-Four Cents (\$13.74) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Six Dollars and Eighty-Six Cents (\$6.86).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Fourteen Dollars and Sixty-Nine Cents (\$14.69) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Thirty-Three Cents (\$7.33).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Fifteen Dollars and Sixty-Eight Cents (\$15.68) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

(1) A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Fifty-Five Cents (\$3.55). There shall be a minimum charge of Three Dollars and Fifty-Five Cents (\$3.55) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.18 Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(1) To the City of Cleveland Heights: beginning 4/4/96 through 12/31/96, \$16.36 per mcf; beginning 1/1/97 through 12/31/97, \$17.52 per mcf; beginning 1/1/98 through 12/31/98, \$18.71 per mcf; beginning 1/1/99 through 12/31/99, \$19.97 per mcf; beginning 1/1/00, \$21.28 per mcf.

(2) To the City of East Cleveland: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(3) To the City of Lakewood: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(4) To the City of Bedford: begin-

ning 4/4/96 through 12/31/96, \$16.76 per mcf; beginning 1/1/97 through 12/31/97, \$17.92 per mcf; beginning 1/1/98 through 12/31/98, \$19.11 per mcf; beginning 1/1/99 through 12/31/99, \$20.37 per mcf; beginning 1/1/00, \$21.68 per mcf.

(5) To the Village of Chagrin Falls: beginning 4/4/96 through 12/31/96, \$18.91 per mcf; beginning 1/1/97 through 12/31/97, \$20.24 per mcf; beginning 1/1/98 through 12/31/98, \$21.61 per mcf; beginning 1/1/99 through 12/31/99, \$23.06 per mcf; beginning 1/1/00, \$24.57 per mcf.

(6) To the City of Berea: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(7) To Lake County: beginning 4/4/96 through 12/31/96, \$18.23 per mcf; beginning 1/1/97 through 12/31/97, \$19.39 per mcf; beginning 1/1/98 through 12/31/98, \$20.58 per mcf; beginning 1/1/99 through 12/31/99, \$21.84 per mcf; beginning 1/1/00, \$23.15 per mcf.

(8) To Lorain County: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(9) To the City of North Ridgeville: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(10) To Geauga County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(11) To Medina County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(12) To the City of Hudson Village: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(13) To Summit County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(b) All bills for water so furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such

municipality or district pending payment of any overdue amount.
 (c) Rates for Standby Emergency Water Service. The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined in accordance with the size of the fire supply connection through which water passes for use on the premises so supplied in accordance with the following schedule, for each three months or any part thereof:

Beginning April 4, 1996, through December 31, 1996

Connection Size (Inches)	Fee
1-1/2	\$22.50
2	22.50
3	22.50
4	38.75
5	61.25
6	87.50
8	156.25
10	245.00
12	352.50

Beginning January 1, 1997, through December 31, 1997

Connection Size (Inches)	Fee
1-1/2	\$25.00
2	25.00
3	25.00
4	43.75
5	68.75
6	100.00
8	177.50
10	276.25
12	397.50

Beginning January 1, 1998, through December 31, 1998

Connection Size (Inches)	Fee
1-1/2	\$26.25
2	26.25
3	26.25
4	46.25
5	72.50
6	105.00
8	186.25
10	290.00
12	417.50

Beginning January 1, 1999, through December 31, 1999

Connection Size (Inches)	Fee
1-1/2	\$28.75
2	28.75
3	28.75
4	50.00
5	78.75

6	113.75
8	202.50
10	316.25
12	456.25

Beginning January 1, 2000

Connection Size (Inches)	Fee
1-1/2	\$31.25
2	31.25
3	31.25
4	53.75
5	85.00
6	122.50
8	218.75
10	342.50
12	467.50

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 18, 1996.
 Effective July 28, 1996.

Ord. No. 938-96. By Councilmen Coats and Rokakis (By departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$18,605,000 for the purpose of providing funds to improve the municipal street system and related facilities, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is nineteen (19) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as

a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose and installing signs, signals, markings and other devices for traffic control purposes, together with off-street parking lot improvements to facilitate the flow of traffic, and together with the payment of all associated preliminary and computerization costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and to pay capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then

the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in nineteen (19) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than nineteen (19) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit

against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption

shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

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

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the

redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available thereon on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued

pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

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

"Participant" means any participant contracting with a Depository under a book entry system and

includes security brokers and dealers, banks and trust companies, and clearing corporations.

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

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

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

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal

amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of

the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants

that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for

the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation

Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other

money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose Gener-

al Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City

may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt

service on which is paid from proceeds of the Notes or the 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 Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

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

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or tax-

ation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 939-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,130,000 for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential areas and for paying capitalized interest and all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential areas by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate, and for paying all expenses

incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential Areas Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory

redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for

redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

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

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Pay-

ment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially

the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City

or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

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

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

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

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the bene-

ficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

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

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and

instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including pro-

visions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that,

subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) **Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts

or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocably provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-payment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation

Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provid-

ed that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Residential Areas Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of

the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City.

In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way

define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to deter-

mine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than

those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 940-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance an emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$2,860,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Eight Hundred and Sixty Thousand Dollars (\$2,860,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8,

1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Eight Hundred and Sixty Thousand Dollars (\$2,860,000) for the purpose of providing funds for reconstructing, rehabilitating, remodeling, renovating and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, the Municipal Courts, fire stations and police, correctional and health facilities and the provision of the necessary furnishings, equipment and site improvements for the purpose, and for paying capitalized interest and for paying all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this

Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemp-

tion Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the

Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond,

however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included

as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall

be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

"Depository" means any securities

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

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

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

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

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

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital

Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or

amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment

of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of

such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Eight Hundred and Sixty Thousand Dollars (\$2,860,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for

the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before

the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds

derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and

the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

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

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immedi-

ate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 941-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance for the issuance and sale of bonds in the maximum principal amount of \$5,355,000 for the purpose of providing funds to improve municipal recreation facilities, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Million Three Hundred and Fifty-five Thousand Dollars (\$5,355,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Five Million Three Hundred and Fifty-five Thousand Dollars (\$5,355,000) for the purpose of pro-

viding funds to improve municipal recreation facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, recreation centers and other buildings, structures and facilities, providing necessary furnishings, equipment and site improvements, together with all necessary and incidental appurtenances, in all cases, including the acquisition of any required real estate and interests in real estate, and to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the Bonds, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Revised Code and as permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Recreational Facilities Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than

August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) **Mandatory Sinking Fund Redemption.** If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or pur-

chased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000

unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

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

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them,

respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to

act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of

Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

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

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

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of

a Depository, without further action by the City.

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

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

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrange-

ments as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time

of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio. The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other

items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.
(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and

deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Five Million Three Hundred and Fifty-five Thousand Dollars (\$5,355,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes

and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Recreational Facilities Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the con-

trary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale

to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, extended and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of

this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or

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

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to

forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.
Effective June 26, 1996.

**Ord. No. 942-96.
By Councilman Rokakis (by departmental request).**

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$45,000,000 to advance refund certain of the city's outstanding various purpose general obligation bonds issued in the years 1986, 1987, 1988, 1989 and 1990 and to pay expenses incurred in the issuance of those bonds and that refunding, and authorizing the execution and delivery of an escrow agreement and other agreements with respect to the bonds and the advance refunding.

Whereas, pursuant to Ordinance Nos. 1144-86, 1145-86, 1146-86, 1147-86, 1148-86 and 1149-86, all passed on June 9, 1986, Various Purpose General Obligation Bonds, Series 1986, in the aggregate principal amount of \$21,000,000, dated as of July 1, 1986 (the "1986 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$1,635,000 principal amount for the purpose of improving municipal recreational facilities by rehabilitating, furnishing, equipping and otherwise improving parks and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 1144-86) ("Project 1"); (ii) \$1,050,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities for the West Side Market, together with all appurtenances necessary and incidental thereto (Ordinance No. 1145-86) ("Project 2"); (iii) \$13,350,000 principal amount for the purpose of improving the municipal street system and related facilities and improving certain streets and expressways between certain termini, by widening, grading, draining, curbing and paving such streets and expressways, by resetting and constructing catch basins and storm drainage facilities in and under such streets and expressways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters and sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 1146-86) ("Project 3"); (iv) \$1,525,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving and acquiring any necessary interests in real estate for facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 1147-86) ("Project 4"); (v) \$2,440,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving correctional facilities together with all appurtenances necessary and incidental thereto (Ordinance No. 1148-86) ("Project 5"); and (vi) \$1,000,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities related to the provision of services to the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 1149-86) ("Project 6"); and

Whereas, pursuant to Ordinance Nos. 397-87, 398-87, 399-87, 400-87, and 401-87, all passed on March 16, 1987, Various Purpose General Obligation Bonds, Series 1987, in the aggregate principal amount of \$18,000,000, dated as of June 1, 1987 (the "1987 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$2,905,000 principal amount for the purpose of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for pools, playgrounds and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 397-

87) ("Project 7"); (ii) \$4,045,000 principal amount for the purpose of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for facilities related to the provision of services to the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 398-87) ("Project 8"); (iii) \$260,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving cemeteries and facilities for the Division of Urban Forestry, together with all appurtenances necessary and incidental thereto (Ordinance No. 399-87) ("Project 9"); (iv) \$7,535,000 principal amount for the purpose of improving the municipal street system and related facilities and improving certain streets and expressways between certain termini, by widening, grading, draining, curbing and paving such streets and expressways by resetting and constructing catch basins and storm drainage facilities in and under such streets and expressways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters and sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes together with all appurtenances necessary and incidental thereto (Ordinance No. 400-87) ("Project 10"); and (v) \$3,255,000 principal amount for the purpose of constructing fire stations and a dog pound garage and renovating, rehabilitating, furnishing, equipping and otherwise improving and acquiring any necessary interests in real estate for, facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 401-87) ("Project 11"); and

Whereas, pursuant to Ordinance Nos. 347-88, 348-88, 349-88, 350-88, 351-88 and 352-88, all passed on March 14, 1988, Various Purpose General Obligation Bonds, Series 1988, in the aggregate principal amount of \$20,500,000, dated as of May 1, 1988 (the "1988 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$6,970,000 principal amount for the purpose of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways, and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 347-88) ("Project 12"); (ii) \$4,675,000 principal amount for the purpose of improving municipal recreational facilities

by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, playgrounds and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 348-88) ("Project 13"); (iii) \$5,360,000 principal amount for the purpose of constructing and rehabilitating police and fire stations, and renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 349-88) ("Project 14"); (iv) \$525,000 for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities for administrative offices of the municipality, including City Hall, together with all appurtenances necessary and incidental thereto (Ordinance No. 350-88) ("Project 15"); (v) \$2,625,000 principal amount for the purpose of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the maintenance, repair and storage of vehicles and equipment of various City divisions, the maintenance of City streets, bridges, docks, and properties, and the provision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto (Ordinance No. 351-88) ("Project 16"); and (vi) \$345,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities related to the protection of the health of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 352-88) ("Project 17"); and

Whereas, pursuant to Ordinance Nos. 476-89, 477-89, 478-89 and 479-89, all passed on May 1, 1989, Various Purpose General Obligation Bonds, Series 1989, in the aggregate principal amount of \$59,530,000, dated as of August 16, 1989 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1989 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$5,330,000 principal amount for the purpose of providing funds to pay the costs of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 476-89) ("Project 18"); (ii) \$17,000,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the protection of the safety and property of the public, the maintenance, repair and storage of vehicles and equipment of various City departments, the maintenance of City streets, bridges, docks, and properties, the maintenance and installation of traffic control devices, and the pro-

vision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto (Ordinance No. 477-89) ("Project 19"); (iii) \$515,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, reinforcing, dredging, reclaiming, and otherwise improving, and acquiring any necessary interests in real estate for, pilings, docks, wharfs, piers, bulkheads, breakwalls, channels and bottom surfaces in and along the rivers, lakes, and lagoons located within or bounding the City of Cleveland or its facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 478-89) ("Project 20"); and (iv) \$5,230,000 principal amount for the purpose of providing funds to pay the costs of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interest in real estate necessary for such purposes and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 479-89) ("Project 21"); and

Whereas, pursuant to Ordinance Nos. 1786-A-90, 1787-A-90, 1788-A-90, 1789-A-90 and 1790-A-90, all passed on August 23, 1990, Various Purpose General Obligation Bonds, Series 1990, in the aggregate principal amount of \$26,645,000, dated as of October 1, 1990 (the "1990 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$11,330,000 principal amount for the purpose of improving the municipal recreational system, including certain recreation centers, pools, parks, playgrounds, playfields and other recreation facilities by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 1786-A-90) ("Project 22"); (ii) \$5,660,000 principal amount for the purpose of improving the municipal street system and related facilities, including certain streets and roadways between certain termini by the rehabilitation and resurfacing thereof, certain roadways, driveways and walkways located within or through City facilities by the rehabilitation and/or resurfacing thereof, certain signals pertaining to traffic control by the technological improvement thereof, and certain bridges by the reconstruction, renovation, repair and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto (Ordi-

nance No. 1787-A-90) ("Project 23"); (iii) \$1,030,000 principal amount for the purpose of certain improvements related to urban redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, and the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, together with all appurtenances necessary and incidental thereto (Ordinance No. 1788-A-90) ("Project 24"); (iv) \$6,745,000 principal amount for the purpose of improving certain public service facilities, which address health, safety, service and welfare concerns, by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto (Ordinance No. 1789-A-90) ("Project 25"); and (v) \$1,880,000 principal amount for the purpose of improving the Cleveland Convention Center by the renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, together with all appurtenances necessary and incidental thereto (Ordinance No. 1790-A-90) ("Project 26"); and

Whereas, this Council finds and determines that (i) it is necessary and in the best interest of the City to advance refund the 1986 Various Purpose Bonds that are stated to mature on August 1, 1996, the 1987 Various Purpose Bonds that are stated to mature on August 1 in the years 1996 and 1997, inclusive, the 1988 Various Purpose Bonds that are stated to mature on August 1 in the years 1996 through 2002, inclusive, the 1989 Various Purpose Bonds that are stated to mature on July 1 in the years 1996 through 1999, inclusive, and the 1990 Various Purpose Bonds that are stated to mature on October 1 in the years 1996 through 2000, inclusive (those outstanding bonds, together with any other outstanding unvoted general obligation bonds of the City designated to be refunded pursuant to Section 1 are collectively referred to as the "Refunded Bonds"), and (ii) to issue the Bonds described in Section 1 to provide funds for that purpose, including the payment of any expenses relating to the advance refunding of the Refunded Bonds or the issuance of the Bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each of the Projects was, at the time the original indebtedness for each Project was incurred, at least five years, and that the maximum maturity of that portion of the Bonds to be allocated to each of the Projects is December 31 of the years set forth below for the respective Projects:

Project No.	Year of Last Maturity
1	2013
2	2014
3	2012
4	2014
5	2015
6	2014
7	2016
8	2016

9	2016
10	2013
11	2016
12	2009
13	2008
14	2012
15	2010
16	2012
17	2012
18	2010
19	2012
20	2014
21	2010
22	2014
23	2008
24	2026
25	2014
26	2015

Now, therefore, be it ordained by the Council of the City of Cleveland, Cuyahoga County, Ohio, that:

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to advance refund the Refunded Bonds which will enable the City to carry out certain amendments to Sections 179.01 through 179.18 of the Codified Ordinances of the City (the "Sinking Fund Ordinance") and the General Bond Ordinance which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Forty-Five Million Dollars (\$45,000,000) for the purpose of advance refunding the Refunded Bonds which, collectively, were issued for the purposes of providing funds to pay costs of Projects 1 through 26 as described above, including the payment of any expenses relating to the advance refunding of the Refunded Bonds and the issuance of the Bonds, including all financing costs within the meaning of Revised Code Section 133.15(B).

The aggregate principal amount of Bonds to be issued shall not exceed \$45,000,000 and shall be in an amount determined by the Director of Finance to be the aggregate principal amount of Bonds that are required to be issued, taking into account any discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses relating to the advance refunding of the Refunded Bonds and the issuance of

the Bonds, which amount shall be set forth in the certificate providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Director of Finance may determine in the Certificate of Award that additional maturities or different maturities of the series of unvoted general obligation bonds of the City identified in the preambles of this Ordinance and issued for the purpose of providing funds to pay costs of Projects 1 through 26 may be refunded and thereby constitute Refunded Bonds; provided that in adding or changing such maturities the Director of Finance determines, based on written advice from the City's financial advisor, that advance refunding such maturities generates present value debt service savings to the City or otherwise is in the best interests of the City, taking into account all the factors that the Director of Finance and the City's financial advisor deem relevant to such determination.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Refunding Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date specified in the Certificate of Award, but in no event later than December 31, 1996. The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996, or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The Bonds shall mature in the years and principal amounts as shall be determined by the Director of Finance and specified in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii)

the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than September 1, 1998, (iii) the final maturity date of the Bonds shall be no later than the last maturity permitted by law for the Refunded Bonds, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable, is not more than three times the amount of those payments for the Refunded Bonds in any fiscal year in which principal was payable on the Refunded Bonds.

The Director of Finance also shall determine, in the Certificate of Award or otherwise, on or prior to the date of delivery of the Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Bonds that is allocable to each Project, and the principal amount of Bonds allocated to each Project that shall be payable annually at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on each principal payment date; provided, that (i) the aggregate principal amount of the Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the advance refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Bonds that are available and appropriated for that purpose, (ii) no portion of the aggregate principal amount of Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Bonds as certified by the Director of Finance, and (iii) a portion of the aggregate principal amount of Bonds allocated to a Project shall be payable annually at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements on each principal payment date on which the Director of Finance determines in the Certificate of Award or otherwise that principal of Bonds allocated to that Project shall be payable.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to

the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation).

Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot

prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

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

shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not

required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.

The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute

owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance: "Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record

that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

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

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

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

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

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased

by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp, NatCity Investments, Inc., and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement including: the principal amount of the Bonds, the final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), the interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and the portion of the principal amount of the Bonds allocable to each Project. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of

the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute an agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The City's performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. Pursuant to the General Bond Ordinance and in accordance with Chapter 179 of the Codified Ordinances, the proceeds of the Bonds (except for (a) accrued interest thereon and any premium and (b) the proceeds of the Bonds to be applied to pay costs of issuing the Bonds and refunding the Refunded Bonds, which amount shall be specified in

the Certificate of Award), shall be deposited in a special and separate bank account with The Huntington National Bank, Cleveland, Ohio and held by that Bank as Escrow Agent, and shall be expended and applied, immediately upon receipt of such proceeds, in the manner provided by the General Bond Ordinance for the payment of debt service charges on the Refunded Bonds from and after the date of issuance of the Bonds to and including their respective maturity dates.

Pursuant to Section 133.34 of the Revised Code and this Ordinance, the proceeds so deposited and the investment income thereon are pledged for that purpose. Accrued interest and any premium received from the sale of the Bonds shall be transferred to the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds. The proceeds of the Bonds to be applied to pay the cost of issuing the Bonds shall be deposited in a separate account in the Bond Retirement Fund pending their application to the payment of such costs.

The Mayor and Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement (the Escrow Agreement) between the City and the Escrow Agent, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Mayor and Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. Notice of the advance refunding of the Refunded Bonds and any early redemption of Refunded Bonds shall be given in accordance with the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed in accordance with the ordinance authorizing the respective bonds and the Escrow Agreement. The Mayor and Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose.

If U.S. Treasury Securities - State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities - State and Local Government Series.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full

faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section

17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 10. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 11. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (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 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the 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 Bonds from gross income for

federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Bonds.

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

Section 12. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 13. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of

the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 14. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for each of the Bonds and the Notes to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 15. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 16. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 17. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the refunding of the Refunded Bonds which will enable the City to carry out certain amendments to the Sinking Fund Ordinance and the General Bond Ordinance and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 943-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$2,150,000 for the purpose of providing funds for improving

the Cleveland Convention Center, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty-five (25) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) for the purpose of providing funds for remodeling, renovating, rehabilitating, equipping, furnishing, and otherwise improving the Cleveland Convention Center, together with all appurtenances necessary and incidental thereto, and for paying all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount

and for the purpose stated in Section 1. The Bonds shall be designated "Convention Center Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty-five (25) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater

than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are

payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond

Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will

cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and

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

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

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

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

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

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

and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with

this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, includ-

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

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be,

or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-payment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation

Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Convention Center Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes

mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of

this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby

ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for fed-

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

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

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

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by

the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1010-96.
By Councilmen Britt, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2220 East 82nd, 2241 East 81st, 2239 East 80th, 2237 East 80th and 2242 East 80th Streets 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). 119-28-082, 119-28-089, 119-28-126, 119-28-125, 119-28-160, as more fully described in Section 2 below, to Fairfax Renaissance Development Corporation.

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

P.P. No. 119-28-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 131 in the Curtiss, Ambler Realty Company Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street and extending back between parallel lines 101.5 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 119-28-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in the Curtiss Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 81st Street and extending back between parallel lines 101.5 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Subject to restrictions in Volume 1075, Page 614 of Cuyahoga County Records.

P.P. No. 119-28-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in the Curtiss Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 80th Street and extending back of equal width 101.50 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. 119-28-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 67 in the Curtiss Ambler Realty Company's Subdivision of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 80th Street and extending back of equal width 101 50/100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinance, if any.

P.P. No. 119-28-160

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in the Curtiss Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 80th Street and extending back of equal width 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such

terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1012-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Castle Precision Industries, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment to produce aircraft landing gear, located at 12401 Taft Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Castle Precision Industries, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment to produce aircraft landing gear, located at 12401 Taft Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1012-96-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 22415.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended

from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1013-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install rebuilt gasoline and diesel engines, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to install rebuilt gasoline and diesel engines, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21049)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1014-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of tires, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of tires, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21050)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1015-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of automotive and truck parts, including labor if necessary, and an inventory control service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976,

for the requirements for the period of one year for the necessary items of automotive and truck parts, including labor if necessary, and an inventory control service, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21047)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1016-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Meyer snow plow and spreader parts, and labor for installation, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of Meyer snow plow and spreader parts, and labor for installation, if necessary, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21048)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1017-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automobile and truck oils and lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various automobile and truck oils and lubricants, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21046)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1018-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair rear loading packer bodies, excluding cylinders, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials needed to repair rear loading packer bodies, excluding cylinders, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21402)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1019-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair, as needed, compactors, tire shredder and push pits at the Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair, as needed, compactors, tire shredder and push pits at the Ridge Road Transfer Station, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21403)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1020-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 69th Street to Burten, Bell and Carr Development Corporation or designee.

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

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

Whereas, this ordinance consti-

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-22-102, 118-22-103, 118-22-140, 118-22-104, 118-22-105, 118-22-106, 118-22-107, as more fully described in Section 2 below, to Burten, Bell and Carr Development Corporation or designee.

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

P. P. No. 118-22-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known Sublot No. 56 in Payne and Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Subdivision in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40.83 feet front on the Westerly side of East 69th Street and extending back between parallel lines 137.75 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-22-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in Payne-Clark Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40.16 feet front on the Westerly side of East 69th Street, and extending back of equal width, 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-22-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 58 in the Payne-Clark Re-Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 69th Street at the Southeastern corner of said Sublot No. 58; thence Northerly, along the Westerly line of said East 69th Street, 10 feet; thence Westerly, parallel with the Southerly line of said Sublot No. 58, 79 feet; thence Northerly, parallel with the Westerly line of said East 69th Street, 13 feet; thence Westerly, parallel with the Southerly line of said Sublot No. 58, 58.75 feet to the Westerly line of said Sublot No. 58; thence Southerly, along said Westerly line, 23 feet to the Southwesterly corner of said Sublot No. 58; thence Easterly, along the Southerly line of said Sublot No. 58, 137.75 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to: A right of way for water and sewer pipeline recorded in Deed 7244, Page 471.

P. P. No. 118-22-104

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

Ohio, and known as being Sublot No. 58 in the Payne-Clark Re-Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Westerly line of East 69th Street at a point distant Northerly measured along said Westerly line 10 feet from the Southeasterly corner of said Sublot No. 58; thence Northerly along the Westerly line of East 69th Street, 30.17 feet to the Northeasterly corner of said Sublot No. 58; thence Westerly along the Northerly line of said Sublot No. 58, 137.75 feet to the Northwesterly corner of said Sublot No. 58; thence Southerly along the Westerly line of said Sublot No. 58, 17.17 feet to a point distant Northerly measured along said Westerly line 23 feet from the Southeasterly corner of said Sublot No. 58; thence Easterly parallel with the Southerly line of said Sublot No. 58, 58.75 feet; thence Southerly parallel with the Westerly line of said East 69th Street 13 feet; Easterly parallel with the Southerly line of said Sublot No. 58, 79 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 118-22-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in Payne-Clark Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records and being 40.16 feet front on the Westerly side of East 69th Street (formerly Jessie Street) and extending back between parallel lines 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 118-22-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in the Payne-Clark Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records on being 40.17 feet front on the Westerly side of East 69th Street (formerly Jessie Street) and extending back at equal width 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 118-22-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known being Sublot No. 61 in Payne and Clark's Subdivision of part of Original One Hundred Acre Lot No. 355, as shown by the recorded plat of said Subdivision in Volume 11 of Maps, Page 33 of Cuyahoga County Records.

Said Sublot No. 61 has a frontage of 40 16/100 feet on the Westerly side of East 69th Street (formerly Jessie Street) and extends back between parallel lines 137 75/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents nec-

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

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

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1022-96.
By Councilmen Rybka, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3605 East 65th Street to Broadway Area Housing Coalition.

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). 132-04-055, as more fully described in Section 2 below, to Broadway Area Housing Coalition.

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

P.P. No. 132-04-005

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

Ohio, and known as being Sublot No. 23 in E.F. Barstow's Subdivision of part of Original One Hundred Acre Lot No. 318, as shown by the recorded plat in Volume 7 of Maps, Page 26 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 65th Street (formerly Tod Street), and extending back of equal width 120 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 consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1023-96.
By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the issuance of parking facilities refunding revenue bonds of the City of Cleveland in the maximum aggregate principal amount of \$85,000,000 (except in the event that any series 1996 bonds are to be offered at an original issue discount), for the purpose of advance refunding the City's outstanding parking facilities improvement revenue bonds, series 1992; authorizing a trust indenture providing for the rights of the holders of the refunding bonds and pledging pledged revenues to secure those bonds; authorizing a first supplemental trust indenture, a bond purchase agreement, an escrow agreement, an official statement and related agreements; and authorizing and approving related matters.

Whereas, pursuant to Ordinance No. 328-92 passed on February 24, 1992 (the 1992 Ordinance) and the Trust Indenture between the City and Society National Bank, Cleveland, Ohio (now Mellon Bank, F.S.B., as successor to Society National Bank), as trustee (the 1992 Trustee) dated as of October 15, 1992 (the 1992 Indenture), the City issued its \$71,000,000 Parking Facilities Improvement Revenue Bonds, Series 1992, dated as of October 15, 1992

(the Series 1992 Bonds) for the purpose of providing funds for acquiring, constructing, improving, rehabilitating and equipping parking facilities of the City (the 1992 Project);

Whereas, the 1992 Project consisted of three off-street parking garages needed in the City for the parking of motor vehicles, traffic regulation and traffic control;

Whereas, each of the off-street parking facilities constituting the 1992 Project is located within an "urban renewal area" of the City as defined in Chapter 725 of the Ohio Revised Code, the Series 1992 Bonds were issued as urban renewal bonds pursuant to Chapter 725 of the Ohio Revised Code, and the 1992 Project represents certain undertakings by the City for the elimination and for the prevention of the development and spread of blight and deterioration within those areas;

Whereas, the 1992 Project advances the economic welfare of the City by increasing and promoting commerce by providing parking facilities for surrounding businesses and other commercial enterprises;

Whereas, the 1992 Project created and preserved jobs and employment opportunities in the City and improved the economic welfare of the people by maintaining and improving access to the City by the commuting public within and outside the City's corporate boundaries;

Whereas, this Council finds and determines that the debt service payments to be made by the City with respect to the 1992 Project will be reduced by the refinancing of the Series 1992 Bonds and that, therefore, it is necessary and in the best interest of the City to advance refund all of the City's Series 1992 Bonds that remain outstanding (the Refunded Bonds), to call for optional redemption on September 15, 2002 the Refunded Bonds that are stated to mature after that date, and to issue the bonds described in Section 3 of this ordinance (the Series 1996 Bonds) to provide funds, together with any other funds available to the City for that purpose, to advance refund the Refunded Bonds, including the payment of expenses relating to the advance refunding of the Refunded Bonds or the issuance of the Series 1996 Bonds, thereby reducing the financing costs of the 1992 Project;

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that the issuance of the Series 1996 Bonds authorized by this ordinance is needed to enable the City to take advantage of current favorable market conditions to refund the Refunded Bonds and thereby reduce the financing costs of the 1992 Project; 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 or elsewhere in this ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Accreted Amount" means, as of any date, the amount or portion of the amount payable on Bonds at maturity that is accrued to or payable on the particular date in accordance with the applicable Bond Legislation and that is in

excess of the Aggregate Outstanding Principal Amount described in clauses (i), (ii) and (iii) of the definition of that term. Accreted Amount does not include interest payable on the outstanding principal amount of a Bond, except for interest on a Bond that is payable only at that Bond's principal maturity.

"Aggregate Outstanding Principal Amount" means, with respect to Bonds outstanding as of any date:

(i) With respect to any Outstanding Bonds on which no interest is payable, the aggregate discounted offering price at which the Bonds are initially sold to the public, disregarding any purchase price discount to the Original Purchaser;

(ii) With respect to any Outstanding Bonds on which no interest is payable prior to principal maturity, their aggregate face amount;

(iii) With respect to any Outstanding Bonds involving other compound Accreted Amounts or accreted values, the Aggregate Outstanding Principal Amount of those Bonds as defined in and calculated in accordance with the Bond Legislation authorizing them or, if no such definition or provision for that calculation is so provided, then in accordance with generally accepted accounting principles; and

(iv) With respect to any other Outstanding Bonds, their aggregate face amount. For purposes of any consent or other action to be taken by the holders of a specified percentage of the Aggregate Outstanding Principal Amount of all Bonds or Bonds of any series, Bonds held by or for the account of the City shall be excluded.

"Authorized Denominations" means, unless otherwise provided in any Supplemental Indenture, the denomination of \$5,000 or any integral multiple of \$5,000.

"Bond" or "Bonds" means all Bonds issued and outstanding pursuant to the Indenture and the Supplemental Indentures.

"Bond Insurance" means an insurance policy that, if determined pursuant to the Bond Legislation to be necessary or desirable for marketing purposes, is issued by a Bond Insurer for the benefit of the holders of the Series 1996 Bonds and that insures the payment when due of all or any portion of Bond Service Charges on the Series 1996 Bonds.

"Bond Insurer" means an insurance company that is nationally recognized for the purpose of insuring the payment when due of the principal of and interest on obligations issued by states or political subdivisions and that, if utilized to provide Bond Insurance, is to be designated and identified as such in the First Supplemental Indenture or the Certificate of Award, and is approved by the Original Purchaser.

"Bond Legislation" means (a) when used with reference to the Series 1996 Bonds, this ordinance and the Certificate of Award which, upon its execution, shall be deemed to be incorporated herein and made a part hereof; (b) when used with reference to another issue of Bonds, the ordinance described in clause (a) above, to the extent applicable, and the legislation providing for the issuance of those Bonds; and (c) when used with reference to all Bonds outstanding, the ordinance described in clause (a) above and the legislation providing for the

issuance of the outstanding and then to be issued Bonds.

"Bond Reserve Fund" means the Bond Reserve Fund and accounts thereof created by Section 7 of this ordinance and the Indenture.

"Bond Reserve Requirement" means the amount that is required to be on deposit in the Bond Reserve Fund, or for the funding of which provision otherwise is required to be made, in accordance with the Indenture.

"Bond Service Charges" means, for any period or time, the principal of (whether at stated maturity, by mandatory sinking fund redemption, by acceleration or otherwise) and interest and any premium due on the Bonds for that period or payable at that time, as the case may be.

"Book entry form" or "book entry system" means, with respect to the Bonds, a form or system, as applicable, under which (a) the ownership of beneficial interests in Bonds and Bond Service Charges may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as Holder, with the physical Bond certificates "immobilized" in the custody of the Depository. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee. The book entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book entry) interests in the Bonds.

"Certificate of Award" means, as to the Series 1996 Bonds, the certificate authorized by Section 4 of this ordinance, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Series 1996 Bonds and their issuance, sale and delivery as this ordinance provides may or shall be set forth or determined therein.

"Credit Support Instrument" means an insurance policy, including a policy of bond insurance, letter of credit or other credit enhancement, support or liquidity device which is used to enhance the security or liquidity of any Bonds.

"Depository" means The Depository Trust Company (a limited purpose trust company), New York, New York, until any successor Depository shall have become such pursuant to the applicable provisions of the Indenture and, thereafter, "Depository" shall mean the successor Depository. Any Depository shall be a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or Bond Service Charges, and to effect transfers of Bonds, in a book entry form.

"Escrow Agreement" means the Escrow Agreement, dated as of the same date as the Series 1996 Bonds, between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed in accordance with Section 9 of this ordinance, and as the same may be further modified, amended or supplemented from time to time after its execution in accordance with the terms thereof.

"Escrow Fund" means the "City of Cleveland, Series 1996 Bonds Escrow Fund" established pursuant to Section 9 of this ordinance and the Escrow Agreement.

"Escrow Trustee" means the bank designated as the initial escrow trustee in the Escrow Agreement and, in the event that a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement, thereafter "Escrow Trustee" shall mean the successor Escrow Trustee.

"First Supplemental Indenture" means the First Supplemental Trust Indenture between the City and the Trustee, dated as of the same date as the Series 1996 Bonds, authorized pursuant to Section 11 of this ordinance.

"Funds" means any of the funds thereof established pursuant to Section 7 of this ordinance and the Indenture.

"Holder" or "Holder of a Bond" means the Person in whose name a Bond is registered on the Register.

"Improvements" means the Improvements as defined in the Indenture.

"Indenture" means, collectively, the Trust Indenture, the First Supplemental Indenture and any additional Supplemental Indentures as may from time to time be executed in accordance with the terms of the Trust Indenture.

"Interest Payment Dates" means, as to the Series 1996 Bonds, March 15 and September 15 of each year during which the Series 1996 Bonds are outstanding, commencing September 15, 1996, unless otherwise provided in the Certificate of Award.

"Mandatory Redemption Obligation" or "Mandatory Redemption" or "Mandatory Sinking Fund Redemption" means mandatory prior redemption of Term Bonds (or other term Bonds) pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means amounts required by any Bond Legislation to be deposited to the Bond Service Fund in any fiscal year for the purpose of retiring, at their stated maturities or by mandatory prior redemption or other prior retirement, principal or Accreted Amount maturities of Bonds, or of paying interest or interest equivalent on Bonds, which by the terms of the Bonds are due and payable in any subsequent fiscal year.

"1992 Funds" means the funds established in Section 11 of the 1992 Ordinance.

"Original Purchaser" means collectively, as to the Series 1996 Bonds, Grigsby Brandford & Co. Inc., Smith, Barney Inc., A.G. Edwards & Sons, Inc., Banc One Capital Corporation and Lehman Brothers.

"Outstanding Bonds", "Bonds outstanding" or "outstanding" means, as of the applicable date, all Bonds that have been authenticated and delivered, or are being delivered, by the Trustee, under the Indenture except:

(a) Bonds canceled upon surrender, exchange or transfer, or canceled because of payment or redemption on or prior to that date;

(b) Bonds, or the portion thereof, for the payment, redemption or purchase for cancellation of which sufficient moneys shall have been deposited and credited with the Trustee or any paying agents on or prior to that date for that purpose (whether upon or prior to the maturity or redemption date of those Bonds); provided that if any of those Bonds are to be redeemed prior to their maturity, notice of

that redemption shall have been given or arrangements satisfactory to the Trustee shall have been made for giving notice of that redemption, or waiver by the affected Holders of that notice satisfactory in form to the Trustee shall have been filed with the Trustee;

(c) Bonds, or the portion thereof, which are deemed to have been paid and discharged pursuant to the provisions of the Indenture; and

(d) Bonds in lieu of which others have been authenticated under the Indenture. For purposes of any consent or other action to be taken by the Holders of a specified percentage of the Aggregate Outstanding Principal Amount of all Bonds or Bonds of any series, Bonds held by or for the account of the City shall be excluded.

"Person" or words importing persons means firms, associations, partnerships, joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities and natural persons.

"Pledged Revenues" means the Pledged Revenues set forth in Section 2(c), as more particularly defined in the Indenture.

"Principal Payment Dates" means September 15 or other date in each of the years from and including 1997 through no later than 2026, as shall be set forth in the Certificate of Award pursuant to the terms of this ordinance.

"Purchase Agreement" means, as to the Series 1996 Bonds, the Bond Purchase Agreement between the City and the Original Purchaser, authorized pursuant to Section 4 of this ordinance.

"Purchase Price" means with respect to the Series 1996 Bonds, the amount specified in the Certificate of Award provided that amount shall be not less than (i) 97% of the amount determined by (A) subtracting any original issue discount in the initial offering price of any Series 1996 Bonds from the aggregate principal amount of the Series 1996 Bonds and (B) adding any original issue premium in the initial offering price of any Series 1996 Bonds, plus (ii) any accrued interest on the Series 1996 Bonds from their date to the date of delivery to the Original Purchaser, less (iii) the premium or other costs of any Credit Support Instrument purchased from the proceeds of the Series 1996 Bonds.

"Rating Services" means each rating agency assigning a rating to the Series 1996 Bonds or if such rating agency shall be dissolved or no longer assigning credit ratings to long-term debt, then any other nationally recognized entity designated by the City assigning credit ratings to long-term debt.

"Register" means the books kept and maintained by the Registrar for registration and transfer of Bonds pursuant to the Indenture.

"Registrar" means the Trustee, until a successor Registrar shall have become such pursuant to applicable provisions of the Indenture.

"Serial Bonds" means those Series 1996 Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to Mandatory Sinking Fund Redemption.

"Series 1996 Bonds" means the Parking Facilities Refunding Revenue Bonds, Series 1996, of the City

issued pursuant to this ordinance, the Certificate of Award, the Trust Indenture and the First Supplemental Indenture.

"State" means the State of Ohio. "Supplemental Indentures" means any indentures supplemental to the Trust Indenture as may from time to time be executed in accordance with the Trust Indenture.

"Term Bonds" means those Series 1996 Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to Mandatory Sinking Fund Redemption.

"Trust Indenture" means the Trust Indenture, dated as of the same date as the Series 1996 Bonds, between the City and the Trustee, authorized pursuant to Section 11 of this ordinance.

"Trustee" means the bank named in the Certificate of Award as Trustee which shall be a bank duly authorized to exercise corporate trust powers in the State, until a successor Trustee shall have become such pursuant to the applicable provisions of the Indenture, and thereafter "Trustee" shall mean the successor Trustee.

Section 2. Determinations by Council. This Council finds and determines as follows:

(a) **Public Purpose.** The Council of the City found and determined at the time of the issuance of the Series 1992 Bonds, and hereby reaffirms, that: it was necessary for the City to acquire, construct, improve, rehabilitate and equip the municipal parking facilities comprising the 1992 Project; the 1992 Project and the issuance of the Series 1992 Bonds to pay costs of the 1992 Project, and the issuance of the Series 1996 Bonds to advance refund the Series 1992 Bonds, served and serves a proper public municipal purpose by providing needed parking facilities to the people of the City, alleviating traffic congestion on the streets of the City, thereby facilitating the movement of traffic, the movement of police and fire vehicles in the City for the safety and welfare of its citizens, and the cleaning of the streets for the health, safety and welfare of its citizens. The facilities comprising the 1992 Project are located in designated urban renewal areas of the City, and the City's completion of the municipal facilities constituting the 1992 Project in those urban renewal areas, and the issuance of the Series 1992 Bonds to pay costs of the 1992 Project and the issuance of the Series 1996 Bonds to advance refund the Series 1992 Bonds, were and will be undertaken for the elimination of conditions of blight determined to exist in those areas and to prevent the reoccurrence of such conditions of blight. The 1992 Project advances the economic welfare of the City by increasing and promoting commerce by providing parking facilities for surrounding businesses and other commercial enterprises, and the 1992 Project creates and preserves jobs and employment opportunities in the City and improves the economic welfare of the City by maintaining and improving access to the City by the commuting public.

(b) **Issuance of Series 1996 Bonds.** It is necessary and proper, expedient and in the best interest of the City to, and the City shall, issue the Series 1996 Bonds for the purpose of

providing funds to advance refund the Refunded Bonds. The aggregate principal amount of Series 1996 Bonds to be issued shall not exceed \$85,000,000, assuming that the Series 1996 Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but, if any of the Series 1996 Bonds are to be initially offered to the public at an original issue discount, then the maximum aggregate principal amount of the Series 1996 Bonds hereby authorized, shall be increased over those amounts by an amount equal to the sum of the products obtained by multiplying the original issue discount at which each Series 1996 Bond is to be initially offered to the public, by the principal amount of the Series 1996 Bond to be so offered. Subject to the immediately preceding sentence, the aggregate principal amount of the Series 1996 Bonds shall be in an amount determined in the Certificate of Award to be the aggregate principal amount of Series 1996 Bonds that are required to be issued, taking into account any other funds available to the City for the purpose, including any moneys in the 1992 Funds that are to be made available for the advance refunding of the Refunded Bonds in accordance with Section 9 of this ordinance, in order to advance refund the Refunded Bonds, to establish any reserves required under the Indenture, to pay expenses relating to that advance refunding or the issuance of the Series 1996 Bonds and otherwise to effect the purpose for which the Series 1996 Bonds are to be issued.

(c) **Pledged Revenues, Bond Service Charges on the Series 1996 Bonds and any additional Bonds issued under the Indenture** shall be payable from the Pledged Revenues as defined and described in the Indenture. The Pledged Revenues generally shall include the fees, charges and other income derived from the City's operation or ownership of certain off-street parking facilities, after provision for the reasonable operating and maintenance expense thereof, all proceeds from the lease, management, sale or other disposition of those off-street parking facilities, the income from the City's ownership or operation of on-street parking facilities, and the amounts in the Funds as provided in the Indenture. The Pledged Revenues may include, as additional security for the Bonds, to the extent provided for and subject to the terms and conditions of the Indenture, any of the following moneys not raised by taxation: all receipts of the City relating to fines, waivers, court costs and other receipts relating to the violation of municipal parking ordinances, all fines, waivers and court costs collected by the City for any misdemeanor offense under municipal ordinances, and any urban renewal service payments collected from any part of one or more urban renewal areas in the City available for the purpose and designated in the Indenture.

(d) **Refunding of Series 1992 Bonds.** It is necessary and in the best interest of the City to advance refund the Refunded Bonds and to redeem by optional redemption on September 15, 2002 the Refunded Bonds maturing after that date. The

Director of Finance is authorized and directed to give written notice to the 1992 Trustee of that call for redemption, and the Refunded Bonds maturing after September 15, 2002 shall be redeemed in accordance with the 1992 Ordinance, the 1992 Indenture and the Escrow Agreement.

Section 3. Terms and Provisions of the Series 1996 Bonds.

(a) **General.** The Series 1996 Bonds shall be issued only in registered form, substantially in that form set forth in Exhibit A to the Indenture. The Series 1996 Bonds shall contain on the face thereof a statement to the effect that the Series 1996 Bonds, as to both principal and interest, are not a general obligation of the City but are payable solely from the Pledged Revenues. The terms, provisions, denominations and principal maturities of, redemption provisions applicable to, and the interest rates to be borne by, the Series 1996 Bonds shall be those set forth in the Certificate of Award executed pursuant to Section 4 of this ordinance and in the Trust Indenture and First Supplemental Indenture executed pursuant to Section 11 of this ordinance.

The Series 1996 Bonds shall be dated as of July 1, 1996, or such later date, not more than 50 days prior to the date of their initial delivery, as may be established in the Certificate of Award; shall bear interest from their date or the most recent date to which interest has been paid or duly provided for, and that interest shall be payable, as provided for in the Indenture; shall be subject to mandatory and optional redemption on the terms and conditions set forth in the Certificate of Award and the Indenture; and shall be signed by the Mayor and the Director of Finance, provided that one or both of such signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Series 1996 Bonds and shall endorse thereon her approval of the form and correctness by her manual or facsimile signature.

The Series 1996 Bonds shall, if not in book entry form, be exchangeable for Series 1996 Bonds of Authorized Denominations, as provided in the Indenture, and shall be issued in Authorized Denominations. Series 1996 Bonds shall be numbered in such manner as determined by the Trustee in order to distinguish each Series 1996 Bond from any other Series 1996 Bond, shall be subject to optional redemption in the amounts, upon the conditions, and at the times and prices, and may be subject to Mandatory Sinking Fund Redemption in the amounts and at the times and prices, all as set forth in or provided for by or pursuant to the Bond Legislation and upon the conditions set forth in the Indenture. Bond Service Charges on the Series 1996 Bonds shall be payable as provided in the Indenture, in each instance without deduction for the services of any paying agent.

(b) **Principal Maturities, Interest Rates and Mandatory and Optional Redemption.** The Series 1996 Bonds shall mature on the Principal Payment Dates and be payable in the principal amounts or in accordance with Mandatory Sinking Fund

Requirements, and shall bear interest at the rates per annum, payable on each Interest Payment Date, all as to be set forth in the Certificate of Award.

The Series 1996 Bonds may be subject to redemption prior to stated maturity as follows:

Mandatory Sinking Fund Redemption. If requested by the Original Purchaser and confirmed in the Certificate of Award, any annual principal maturity amount may be consolidated with one or more consecutive preceding annual principal maturity amounts into a single aggregate principal amount maturing on that stated annual maturity date. In that case, those Term Bonds then maturing on that stated annual maturity date shall be subject to Mandatory Redemption prior to stated maturity in part pursuant to Mandatory Sinking Fund Requirements, at a redemption price of 100% of the principal amount redeemed plus interest accrued to the redemption date. Portions of the Term Bonds shall be so redeemed on the Principal Payment Date in each of those preceding years and in the respective full annual principal amounts listed in a principal maturity schedule set forth in the Certificate of Award for payment in those preceding years (the Mandatory Sinking Fund Requirements).

If retired only by Mandatory Sinking Fund Redemption prior to their stated maturity, the remaining principal amount of any Term Bonds will be paid at their stated maturity date. The aggregate of the money to be deposited with the Trustee in the Bond Service Fund for payment of Bond Service Charges on Term Bonds shall include amounts sufficient to redeem the principal amount of Term Bonds set forth opposite the respective dates in the principal maturity schedule set forth in the Certificate of Award (less the amount of any credit as provided below).

The City shall have the option to deliver to the Trustee for cancellation Term Bonds in any aggregate principal amount and to receive a credit against any then current Mandatory Sinking Fund Requirement (and corresponding Mandatory Redemption Obligation) as set forth pursuant to the above for any Term Bonds. That option shall be exercised by the City on or before the 45th day preceding the applicable Mandatory Redemption date, by furnishing the Trustee a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Requirement. If a certificate is not timely furnished to the Trustee, the Mandatory Sinking Fund Requirement (and corresponding Mandatory Redemption Obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Requirement (and corresponding Mandatory Redemption Obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Requirements) or purchased for cancellation and cancelled by the Trustee, to the extent not applied theretofore as a credit against any Mandatory Redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased

and cancelled, shall be credited by the Trustee at 100% of its principal amount against the then current Mandatory Sinking Fund Requirement (and corresponding Mandatory Redemption Obligation). Any excess of that amount over the then current Mandatory Sinking Fund Requirement shall be credited against subsequent Mandatory Sinking Fund Requirements (and corresponding Mandatory Redemption Obligations) in the order directed by the Director of Finance.

Optional Redemption. If determined by the Director of Finance in the Certificate of Award to be necessary or advisable to the sale of the Series 1996 Bonds, the Series 1996 Bonds shall, as provided in the Certificate of Award, be subject to redemption by and at the option of the City, in whole on any date or in part on any Interest Payment Date, in integral multiples of \$5,000, at the redemption prices specified (expressed as a percentage of the principal amount redeemed), plus in each case accrued interest to the redemption date; provided that the earliest optional redemption date shall not be earlier than September 15, 2004, and the highest redemption price shall not be greater than 102%.

If optional redemption of any Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption date provided for pursuant to the above provisions, the Term Bonds or portions of Term Bonds to be redeemed shall be selected by lot prior to the selection by lot of the Term Bonds to be redeemed on the same date by operation of the Mandatory Redemption Obligations.

Series 1996 Bonds to be redeemed pursuant to optional redemption shall be redeemed only upon written notice from the City to the Trustee, given upon the direction of the Council by adoption of a resolution or ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Series 1996 Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Trustee. In the event that notice of redemption shall have been given by the Trustee to the registered owners as provided in the Indenture, there shall be deposited with the Trustee, on or prior to the redemption date, moneys that, in addition to any other money available therefor and held by the Trustee, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Series 1996 Bonds for which notice of redemption has been given.

Further procedures and conditions for the satisfaction of the Mandatory Sinking Fund Requirements and optional redemption or Mandatory Redemption are set forth in the Indenture.

(c) Authorization of Bond Rating and Bond Insurance. If in the judgment of the Director of Finance the filing of applications for a rating on the Series 1996 Bonds by one or more Rating Services, or for a policy of Bond Insurance or other Credit Support Instrument relating to the Series 1996 Bonds, are necessary or desirable for marketing purposes, the Director of Finance is autho-

rized to prepare and submit either or both of those applications, to provide such information as may be required in support of them and to provide further for the payment of the cost of such a rating or policy (or other Credit Support Instrument) payable by the City from proceeds of the Series 1996 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

(d) Book Entry Form. Notwithstanding any other provisions of this ordinance, the Series 1996 Bonds shall be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Series 1996 Bonds shall be issued in the form of a single registered Series 1996 Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Series 1996 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Series 1996 Bonds for use in a book entry system, the Director of Finance and Trustee may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance and Trustee do not or are unable to do so, the Director of Finance and Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 1996 Bonds from the Depository, and authenticate and deliver registered Series 1996 Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Mayor, the Director of Finance, the Director of Parks, Recreation and Properties, or any one of them are authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Series 1996 Bonds, after determining (as evidenced by their signing) that the signing thereof will not endanger the funds or securities of the City under the Indenture.

(e) Capital Appreciation Bonds. Notwithstanding any other provision of this ordinance to the contrary, the Director of Finance, if determined to be in the best interest of and financial advantage to the City, may designate in the Certificate of Award certain maturities of the Series 1996 Bonds as "Capital Appre-

ciation Bonds" (CABs). The CABs, if any, shall be issued in an aggregate principal amount set forth in the Certificate of Award, shall bear interest from their date of delivery at the rate or rates of interest as shall be determined in the Certificate of Award to be such as will result in the aggregate principal and interest due at the stated maturity of that CAB; provided that the CABs of any one stated maturity all shall bear the same compounding rate of interest. CABs shall be issued in the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date, defined below, to the stated maturity date of the CABs, will equal a \$5,000 maturity amount (being the principal and interest due and payable at the stated maturity of that CAB) or any integral multiple thereof. However, in no case as to a particular maturity date shall CABs be issued in denominations exceeding the principal amount maturing on that date.

In the event CABs are issued, the rate or rates of interest to be borne by the Series 1996 Bonds, as specified in the Certificate of Award, shall be such that the Series 1996 Bonds shall have a True Interest Rate, defined below, not exceeding 9% per year. The debt charges on CABs shall be payable when due as set forth in the Indenture.

As used in this subparagraph (e): "Interest Accretion Dates" means the semiannual dates as set forth and so designated in the Certificate of Award; and "True Interest Rate" means the rate determined by doubling the semi-annual interest rate, computed semiannually, necessary to discount all payments of principal and interest on the Series 1996 Bonds to the purchase price at which the Series 1996 Bonds are sold to the Original Purchaser, exclusive of any accrued interest.

Section 4. Sale of the Series 1996 Bonds; Disclosure Documents. The Series 1996 Bonds are awarded and sold to the Original Purchaser in accordance with the Purchase Agreement and at the Purchase Price as shall be determined in the Certificate of Award.

For the purpose of implementing the provisions of this ordinance, the Director of Finance is hereby authorized and directed to sign the Certificate of Award selling the Series 1996 Bonds to the Original Purchaser at the price established therein and in accordance with this ordinance, and to evidence that sale and the further terms and provisions thereof by completing, signing and delivering the Purchase Agreement substantially in the form now on file with the Clerk of Council after approval thereof by the Director of Law. The form of Purchase Agreement is hereby approved with such changes therein as are not inconsistent with this ordinance and not adverse to the City and as shall be approved by the officers signing the Purchase Agreement. The approval of those changes, and the determination that those changes are not adverse to the City, shall be conclusively evidenced by that signing.

Having due regard to the best interests of the City there shall be further determined in the Certificate of Award or, as appropriate, in the Indenture or First Supplemental Indenture, consistent with the provisions of this ordinance, (a) the date of the Series 1996 Bonds, (b)

the final aggregate principal amount of the Series 1996 Bonds, (c) the aggregate principal amount and principal maturities of the Series 1996 Bonds to be issued as Serial Bonds or as Term Bonds, the Principal Payment Dates on which those Series 1996 Bonds shall be stated to mature and the Principal Payment Dates for those Series 1996 Bonds and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and as to any Term Bonds, the Principal Payment Date(s) on which Term Bonds shall be subject to Mandatory Sinking Fund Redemption and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Requirements on each such Mandatory Redemption date in accordance with the provisions of the Indenture, (d) the dates and prices upon and at which any Series 1996 Bonds shall be subject to optional redemption, (e) the Interest Payment Dates and the rate or rates of interest to be borne by the Series 1996 Bonds, (f) the Purchase Price of the Series 1996 Bonds, and (g) any other matters as provided in this ordinance, all subject, however, to the following further considerations:

(i) The rate or rates of interest per year to be borne by the Series 1996 Bonds shall be such as are determined to be required by marketing considerations and to result in the sale of the Series 1996 Bonds on a basis most favorable to the City; provided, that the Series 1996 Bonds of any one stated maturity all shall bear the same rate of interest, and that rate may not exceed 9% per year.

(ii) The schedule of the principal amount of Series 1996 Bonds maturing or payable pursuant to Mandatory Sinking Fund Requirements on each Principal Payment Date and the dates and prices upon and at which any Series 1996 Bonds shall be subject to optional redemption, shall be determined to be consistent with the anticipated Pledged Revenues and to be productive of the most favorable interest rates on the Series 1996 Bonds and their maximum receptivity in the market; and

(iii) The rate or rates of interest per year to be borne by the Series 1996 Bonds, and the principal amount of Series 1996 Bonds maturing or payable pursuant to Mandatory Sinking Fund Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Series 1996 Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

It is hereby determined by this Council that the terms of the Series 1996 Bonds and the procedures for their sale and the determination of the price to be paid for them, all as established in accordance with the Bond Legislation, the Purchase Agreement and the Indenture, are and will be in the best interest of the City.

The Mayor, the Director of Finance, the Clerk of Council and other City officials as appropriate are directed to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the Series 1996 Bonds to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of

the Series 1996 Bonds under the terms of the Bond Legislation, the Purchase Agreement and the Indenture.

The Mayor, the Director of Finance and other City officials as deemed appropriate, each are authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of a preliminary official statement relating to the issuance of the Series 1996 Bonds, and (ii) determine, and certify or otherwise represent, when the preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of SEC Rule 15c2-12(b)(1). The distribution and use of such a preliminary official statement is hereby authorized and approved.

Those officers and each of them are also authorized and directed, on behalf of the City and in their official capacities, to complete that preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, the final official statement and supplements thereto in connection with the original issuance of the Series 1996 Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, the final official statement and such certificates in connection with the accuracy of the preliminary official statement and the final official statement and any amendment thereto as may, in their judgment, also be necessary or appropriate.

For the benefit of the holders and beneficial owners from time to time of the Series 1996 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Series 1996 Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 1996 Bonds in accordance with SEC Rule 15c2-12. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further

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

Section 5. Application of Proceeds of Series 1996 Bonds. The proceeds of sale of the Series 1996 Bonds shall be allocated and deposited as provided in the Indenture, including: deposit to the Interest Payment Account of the Bond Service Fund, any accrued interest paid by the Original Purchaser; deposit to the Escrow Fund, the amount necessary, when added to the amounts to be deposited in the Escrow Fund by the Escrow Trustee or by the City from other sources in accordance with Section 9 of this ordinance, to effect the payment and discharge of the Refunded Bonds and the release, discharge and satisfaction of the 1992 Indenture; deposit to any reserve funds such amounts as may be necessary, when added to any amounts in the 1992 Funds available for the purpose, to establish or maintain reserves required by the Indenture, and deposit to the Costs of Issuance Fund, as defined in the Indenture, such amounts needed to pay costs of advance refunding the Refunded Bonds and issuing the Series 1996 Bonds. The proceeds from the sale of the Series 1996 Bonds are appropriated and shall be used for the purpose for which those Bonds are issued as provided in the Bond Legislation and the Indenture.

Section 6. Security for the Bonds. The Series 1996 Bonds do not constitute a debt, or a pledge of the faith and credit of the City. Bond Service Charges on the Series 1996 Bonds shall be secured by, and shall be payable solely from the Pledged Revenues.

Section 7. Establishment of Funds; Application of Revenues. There is hereby created pursuant to Section 725.03 of the Ohio Revised Code an urban renewal debt retirement fund which shall be maintained as a trust fund in the custody of the Trustee as a separate deposit account and as an account of the Revenue Fund under the Indenture. The Pledged Revenues shall be deposited in that urban renewal debt retirement fund pursuant to Chapter 725 of the Ohio Revised Code and the Indenture. All other Funds, accounts therein and Accounts described in the Indenture shall be and hereby are established and shall be designated as indicated in the Indenture. Each Fund and Account shall be maintained in the custody of the City or the Trustee, as provided in the Indenture. The Pledged Revenues and other money and funds as described in the Indenture shall be deposited in, and disbursed from, those Funds, accounts therein and Accounts as provided in the Indenture.

Section 8. Covenants of the City. The City, by issuance of the Series 1996 Bonds and any additional Bonds, covenants and agrees with

the holders of the Series 1996 Bonds to perform its covenants and agreements set forth in the Indenture.

Section 9. Refunding of the Series 1992 Bonds and Application and Transfer of Certain Funds.

(a) **Escrow Agreement and Escrow Fund.** The Mayor, the Director of Finance and the Director of Parks, Recreation and Properties or any two of them are authorized and directed to sign and deliver, in the name and on behalf of the City, the Escrow Agreement, between the City and the Escrow Trustee in substantially the form as is now on file with the Clerk of Council after approval thereof by the Director of Law. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not adverse to the City and that are approved on behalf of the City by the officers signing the Escrow Agreement, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments to it. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from proceeds of the Series 1996 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

(b) **Application of Trustee-held 1992 Funds.** Upon the issuance and delivery of the Series 1996 Bonds, the Escrow Trustee shall and hereby is authorized and directed to make such payments and deposits, in immediately available funds, from the 1992 Funds held by the Escrow Trustee as set forth in the Indenture and Escrow Agreement, and such moneys in those 1992 Funds are hereby appropriated and shall be used for those purposes.

(c) **Application of Existing City 1992 Funds.** Upon the issuance and delivery of the Series 1996 Bonds, the Director of Finance shall and hereby is authorized and directed to make such payments and deposits, in immediately available funds from the 1992 Funds held by the City, as set forth in the Indenture and Escrow Agreement, and such moneys in those 1992 Funds are hereby appropriated as shall be used for those purposes.

(d) **Use of Escrow Fund.** The Escrow Fund shall be and hereby is established under the Escrow Agreement and shall be a trust fund held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds, all in accordance with the provisions of the 1992 Indenture and the Escrow Agreement. All money deposited in the Escrow Fund shall be held, invested and applied as provided in this ordinance, the Escrow Agreement and the 1992 Indenture and is appropriated for that purpose. If any U.S. Treasury Securities - State and Local Government Series - are to be purchased for the Escrow Fund, the Escrow Trustee is hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities.

Section 10. Tax Covenants of City. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 1996 Bonds in such manner and to such extent as may be necessary so that (a) the Series 1996 Bonds will

not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 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.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series 1996 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 Series 1996 Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Series 1996 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 1996 Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series 1996 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series 1996 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 1996 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 1996 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Series 1996 Bonds.

Each covenant made in this Section with respect to the Series 1996 Bonds is also made with respect to

all issues any portion of the debt service on which is paid from proceeds of the Series 1996 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 Series 1996 Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Series 1996 Bonds.

Section 11. Indenture and Other Documents.

To secure the payment of the Bond Service Charges on the Bonds as the same shall become due and payable and the performance by the City of its obligations provided for in the Bond Legislation, the Bonds and the Indenture, the Mayor, the Director of Finance and the Director of Parks, Recreation and Properties or any two of them are authorized and directed, for and in the name of the City and on its behalf, to sign and deliver to the Trustee the Trust Indenture and the First Supplemental Indenture, substantially in the forms now on file with the Clerk of Council after approval thereof by the Director of Law. The form of Trust Indenture and the First Supplemental Indenture are each hereby approved with such changes therein as are not inconsistent with the Bond Legislation and not adverse to the City and which are permitted by the Constitution and laws of Ohio and as shall be approved by the officers signing the Trust Indenture and the First Supplemental Indenture. The approval of those changes, and the determination that such changes are not adverse to the City, shall be conclusively evidenced by the signing of the Trust Indenture and the First Supplemental Indenture, by those officials.

The Mayor, the Director of Finance, the Director of Parks, Recreation and Properties, the Director of Law, the Clerk of Council and such other officers of the City as may be appropriate are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may be necessary or appropriate to issue the Series 1996 Bonds and to consummate the transactions contemplated herein, and in the Indenture, any Rate Exchange Agreement, the Escrow Agreement and the Purchase Agreement. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Series 1996 Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Series 1996 Bonds.

Section 12. Interest Rate Exchange Agreement.

This Council finds that by engaging in interest rate swap transactions, from time to time, the City can, in effect, convert interest on all or a portion of the Series 1996 Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations from time to time and minimizing the risk of variations in its debt service costs. To permit the

City to have the flexibility to undertake such interest rate swap transactions and to establish the procedures for approving such transactions, this Council authorizes the execution and delivery of an Interest Rate Exchange Agreement (the "Rate Exchange Agreement") and any related agreements necessary for the consummation of the transactions contemplated by such Rate Exchange Agreement.

Upon the recommendation of the financial advisor of the City to the Director of Finance that an interest rate swap transaction be undertaken by the City, the Director of Finance may authorize such an interest rate swap transaction in accordance with the Rate Exchange Agreement; provided that (a) the maximum aggregate notional amount of interest rate swap transactions outstanding at any one time, net of offsetting interest rate swap transactions, shall not exceed an amount equal to the aggregate outstanding principal amount of all Series 1996 Bonds Outstanding under the Indenture, and (b) the term of each interest rate swap transaction shall not exceed 30 years. The aggregate amount of all such rate interest swap transactions in effect as of any time shall be determined on a net basis; that is, where any such transaction is entered into to offset or reverse an earlier transaction, to the extent of the offsetting or reversing effect, the amounts of such offsetting or reversing interest rate swap transactions shall not be included in the aggregate total. The approval of each interest rate swap transaction by the Director of Finance shall be conclusively evidenced by the execution of the applicable interest rate swap transaction by the Director of Finance or any other person duly authorized by this Council to execute interest rate swap transactions.

The City may pay any amounts due under the Rate Exchange Agreement and the interest rate swap transactions from the Pledged Revenues, and any other available moneys of the City permitted by law to be used for the purpose of making those payments.

Anything in this Bond Legislation, the Rate Exchange Agreement or any interest rate swap transaction to the contrary notwithstanding, the obligation of the City to make payments under the Rate Exchange Agreement and any interest rate swap transaction 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, the State of Ohio or any other political subdivision thereof. Nothing herein gives any party to the Rate Exchange Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio or by the taxing authority of any other political subdivision for the payment of any amounts due under the Rate Exchange Agreement and the interest rate swap transactions.

Section 13. Severability. Each section of this ordinance and each subdivision or paragraph of any section hereof is declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this ordinance.

Section 14. Validity. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 1996 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Series 1996 Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 1996 Bonds. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this ordinance was passed in conformity therewith.

Section 15. Compliance with Open Meeting Law. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 16. Effective Date. This ordinance constitutes an emergency measure providing for the usual operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that the issuance of the Series 1996 Bonds authorized by this ordinance is needed to enable the City to take advantage of current favorable market conditions to refund the Refunded Bonds and thereby reduce the financing costs of the 1992 Project and, provided this ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1025-96.
By Councilmen Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East side of East 37th Street through East 43rd Street, Central to Cedar to Burten, Bell and Carr Development Corporation or its 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. 103-22-002, as more fully described in Section 2 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 65 in H.P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as appears by said plat, be the same more or less, but subject to all legal highways, 2 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cedar Avenue, S.E., and extending back of equal width 132 feet to the Northerly line of Rose Court, S.E., 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-006, as more fully described in Section 4 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 47 feet 9 inches of Sublot No. 109 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records; said Northerly 47 feet 9 inches of said Sublot No. 109 has a frontage of 37 feet 11 inches on the Southerly side of Cedar Avenue, S.E., and extends back between parallel lines 47 feet 9 inches, 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. 103-22-012, as more fully described in Section 6 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 96.50 feet of Sublot No. 29 in William Williams' Allotment of part of Original Ten Acre Lots. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 50 feet front on the Southerly side of Cedar Avenue, S.E., (formerly Cedar Street), and extending back 96.50 feet on the Easterly line of East 38th Street (formerly William Street), and has a rear line of 50 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 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-013, as more fully described in Section 8 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 40 feet of the Northerly 125 feet of Sublot No. 40 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Cedar Avenue, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-015, as more fully described in Section 10 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly half of Sublot No. 41 in William Williams' Subdivision of part of Original Ten Acre Lot No. 68 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 25 feet front on the Southerly side of Cedar Avenue, S.E., and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 103-22-020, as more fully described in Section 12 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 12. That the real property

to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 103-22-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Westerly side of East 39th Street (formerly Grant Street) and extends back of equal width 151 feet 7 inches, 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. 103-22-021, as more fully described in Section 14 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 51 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68 and 69 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Westerly side of East 39th Street and extending back of equal width 151'-7" deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 103-22-022, as more fully described in Section 16 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in said City. Said Sublot No. 52 being 50 feet front on Grant Street (now East 39th Street) and 151-7/12 feet deep between parallel lines, according to the plat of said Subdivision recorded in Volume 3 of Maps, Page 6 in the Office of the Recorder of said County, be the same more or less, but subject to all legal highways.

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. 103-22-023, as more fully described in Section 18 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 18. That the real property to be sold pursuant to Section 17 of

this Ordinance is more fully described as follows:

P.P. No. 103-22-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 53 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records; said Sublot No. 53 has a frontage of 50 feet on the Westerly side of East 39th Street (formerly Grant Street) and extends back between parallel lines, 151 feet 7 inches, 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 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. 103-22-024, as more fully described in Section 20 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 103-22-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 33-1/2 feet of Sublot No. 54 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land 33-1/2 feet front on the Westerly side of East 39th Street (formerly Grant Street), and extending back to equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-025, as more fully described in Section 22 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 54 and 55 in the William Williams Subdivision recorded in Volume 3, Page 6 of Cuyahoga County Records and being 16 1/2 feet in width from front to rear off the South side of Sublot No. 54 and 17 feet in width off the North side of Sublot No. 55 of William Williams, Subdivision of part of Original Ten Acre Lot Nos. 67 and 70 in said City, making in all 33 1/2 feet front on the Westerly side of Grant Street (now known as East 39th Street) and 151 7/12 feet deep per record plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ord-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-026, as more fully described in Section 24 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 55 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 33 feet front on the Westerly side of East 39th Street, and extending back of equal width 151 feet 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-027, as more fully described in Section 26 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 59 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of East 39th Street at a point distant Southerly 13 feet from the Northeasterly corner of said Sublot No. 59; thence Southerly 35 feet along the said Westerly line of East 39th Street to a point; thence Westerly 76 feet parallel with the Northerly line of said Sublot No. 59 to a point; thence Northerly 35 feet parallel with the said Westerly line of East 39th Street to a point; thence Easterly 76 feet parallel with the Northerly line of said Sublot No. 59 to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-028, as more fully described in Section 28 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P.P. No. 103-22-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 2 feet of Sublot No. 59 and all of Sublot No. 60 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70

as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said part of Sublot No. 59 and said Sublot No. 60 together form a parcel of land having a frontage of 46 feet 3 inches on the Westerly side of East 39th Street (formerly Grant Street) and extending back between parallel lines 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-030, as more fully described in Section 30 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 63 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, beginning at a point 119 feet 3 inches Northerly on Grant Street, now known as East 39th Street front the Northwest corner of Central Avenue, S.E., (formerly Garden Street) and East 39th Street; thence running Westerly 51 feet and 7 inches; thence South of a line of said Lot No. 63, 30 feet thence Easterly 51 feet and 7 inches to East 39th Street; thence Northerly on the West line of East 39th Street to the place of beginning; being 30 feet front on said East 39th Street, be the same more or less, but subject to all legal highways.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-031, as more fully described in Section 32 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 63 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Northwesterly corner of Central Avenue, S.E., and East 39th Street; thence running Northerly on the line of East 39th Street, 89 feet 3 inches; thence Westerly 26 feet 4 inches; thence Southerly parallel with East 39th Street, to the line of Central Avenue, S.E.; thence Easterly, on the line of Central Avenue, S.E., 26 feet 4 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Section 33. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-032, as more fully described in Section 34 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-032

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 62 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Central Avenue, S.E., at the Southeasterly corner of said Sublot No. 62; thence Northerly along the Easterly line of said Sublot No. 62, 139 feet 3 1/2 inches to the Northeasterly corner thereof; thence Westerly along the Northerly line of said Sublot No. 62, 44 18/100 feet to the Easterly line of land so conveyed to Caloggero Lobello and Guiseppa Lobello by deed dated July 1, 1916 and recorded in Volume 1817, Page 578 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Caloggero Lobello and Guiseppa Lobello, 36 64/100 feet; thence continuing Southerly along the Easterly line of land so conveyed to Caloggero Lobello and Guiseppa Lobello, 92 85/100 feet to the Northerly line of Central Avenue, S.E.; thence Easterly along the Northerly line of Central Avenue, S.E.; about 47 37/100 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 63 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) at the Southwesterly corner of said Sublot No. 63; thence Northerly along the Westerly line of said Sublot about 79 feet to the Southwesterly corner of land conveyed to Mary Ellen Randall by deed dated October 25, 1871 and recorded in Volume 192, Page 546 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Mary Ellen Randall, 25 feet, 3 inches to the Northwesterly corner of land conveyed to Daniel R. Wood and Eliza Jane Wood by deed dated June 23, 1876 and recorded in Volume 261, Page 397 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Daniel R. and Eliza Jane Wood to the said Northerly line of Central Avenue, S.E.; thence Westerly, along said Northerly line, 26.33 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-033, as more fully described in Section 36 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 61 and Sublot No. 62 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Northerly line of Central Avenue, S.E., distant 27-83/100 feet Easterly from the Southwesterly corner of said Sublot No. 61; thence Northerly in a straight line to a point in the Northerly line of said Sublot Nos. 61 and 62, 28-32/100 feet Easterly from the Northwesterly corner of said Sublot No. 61; thence Easterly along the Northerly line of said Sublot Nos. 61 and 62, 27-56/100 feet; thence Southerly parallel with the Westerly line of said Sublot No. 61, 36-64/100 feet; thence Southerly in a direct line 92-68/100 feet to a point in the Northerly line of Central Avenue, S.E., distant 54-83/100 feet Easterly, measured along said Northerly line from Southwesterly corner of Sublot No. 61; thence Westerly along the Northerly line of Central Avenue, S.E., 27 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-034, as more fully described in Section 38 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 61 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Subdivision of Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Central Avenue, S.E., at the Southwesterly corner of said Sublot No. 61; thence Northerly along the Westerly line of said Sublot No. 61, 118.03 feet to the corner thereof; thence Easterly along the Northerly line of said Sublot No. 61, 28.32 feet; thence Southerly in a direct line to a point in the Northerly line of Central Avenue, S.E., distant 27.83 feet Easterly, measured along said Northerly line, from the Southwesterly corner of said Sublot No. 61; thence Westerly along the Northerly line of Cen-

tral Avenue, S.E., 27.83 feet to the place of beginning, as appears by said plat.

Subject to and together with easement rights, if any, created in deed recorded in Volume 2312, Page 115 of Cuyahoga County Records.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-037, as more fully described in Section 40 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) at a point 6 inches Westerly from the Southeastery corner of said Sublot No. 19; thence Westerly along said Northerly line of Central Avenue, S.E., 25 feet; thence Northerly parallel with the Easterly line of said Sublot No. 19, 80 feet; thence Easterly parallel with said Northerly line of Central Avenue, S.E., 25 feet; thence Southerly parallel with the Easterly line of said Sublot No. 19, about 80 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-040, as more fully described in Section 42 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat of said Allotment in Volume 2 of Maps, Page 34 of Cuyahoga County Records and part of Sublot No. 18 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, said part of Sublot No. 2 in Taylor and Hoyt Allotment and said part of Sublot No. 18 in William Williams' Allotment together forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Central Avenue, S.E., 35.32 feet Easterly from the Southwesterly corner of said Sublot No. 2; thence Easterly along the Northerly line of Central Avenue, S.E., 35.36 feet to a point in the center of said Sublot No. 18; thence Northerly parallel with

the Westerly line of said Sublot No. 18 and about 119 feet to a point in the rear line of said Sublot No. 18, 25 feet Westerly from the North-easterly corner thereof; thence Westerly along the Northerly line of said Sublot No. 18, 22.29 feet; thence in a straight line to the place of beginning, as appears by said plat, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-041, as more fully described in Section 44 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and also a part of Sublot No. 18 in William Williams' Allotment of part of Original Ten Acre Lot No. 67 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and together bounded and described as follows:

Beginning on the Northerly line of Central Avenue at the Southwesterly corner of said Sublot No. 2; thence Northerly along the Westerly line of said Sublot No. 2, 124 feet 10-1/2 inches to the Northwest corner of said Sublot; thence Easterly along the Northerly line of said Sublot No. 2, 18 feet 1 inch to the Northeast corner thereof; thence Southerly along the Easterly line of said Sublot, 13.25 feet to the Northwest corner of said Sublot No. 18; thence Easterly along the Northerly line of said Sublot No. 18, 2.11 feet; thence Southerly 116.75 feet to a point in the Northerly line of Central Avenue 35.32 feet Easterly from the place of beginning; thence Westerly along the Northerly line of Central Avenue 35.32 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 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-042, as more fully described in Section 46 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in Taylor Hoyt's Allotment of part of Original Ten Acre Lot No. 66, in said City, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records.

Said Sublot No. 1 has a frontage of 30 feet on Central Avenue, S.E.,

(formerly Garden Street), and extends back 115 feet, 11 inches deep on the Westerly line along East 37th Street (formerly Forest Street) 124 feet 10-1/2 inches deep on the Easterly line and is 55 feet 4 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-089, as more fully described in Section 48 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 4 and 5 in Taylor and Hoyt's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and also a part of Sublot No. 16 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Re-Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 37th Street (formerly Forest Street) at the Southwesterly corner of land conveyed by James Hoyt and others to Ellen Burke by deed dated October 21, 1875 and recorded in Volume 205, Page 605 of Cuyahoga County Records; thence Easterly and along the prolongation of same, Easterly about 85 feet to the Westerly line of land conveyed by Elisha Sheldon Ganson to Victoria E. Ganson by deed dated March 17, 1887 and recorded in Volume 412, Page 397 of Cuyahoga County Records; thence Southerly along the Westerly line of said land conveyed to Victoria E. Ganson about 30 feet to the Northeastly corner of land conveyed by Frederick W. Smith to Helen M. Smith Quit Claim Deed dated December 8, 1910 and recorded in Volume 1301, Page 259 of Cuyahoga County Records; thence Westerly along the Northerly line of said land so conveyed to Helen M. Smith about 85 feet to the Easterly line of said East 37th Street; thence Northerly along the Easterly line of said East 37th Street, about 30 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-092, as more fully described in Section 50 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-092

Situated in the City of Cleveland,

County of Cuyahoga and State of Ohio, and known as being the Northerly 10 feet of Sublot No. 6 and the Southerly 15 feet of Sublot No. 7 in Taylor and Hoyt's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 34 of Cuyahoga County Records. Said parts of said Sublot Nos. 6 and 7 together from a parcel of land having a frontage of 25 feet on the Easterly side of East 37th Street (formerly Forest Street) and extending back between equal lines 73 feet 5 inches, 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 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-098, as more fully described in Section 52 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 12.50 feet from front to rear of Sublot No. 10, and the Southerly 13.75 feet from front to rear of Sublot No. 11, in the Taylor and Hoyt Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and together forming a parcel of land 26.25 feet front on the Easterly side of Wheat Street (now known as East 37th Street), and extending back of equal width 73 feet 5 inches deep, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-104, as more fully described in Section 54 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 24 feet of Sublot No. 15 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat of said Allotment in Volume 2 of Maps, Page 34 of Cuyahoga County Records. Said part of said Sublot No. 15 has a frontage of 24 feet on the Easterly side of East 37th Street (formerly Forest Street) and extends back between parallel lines 73 feet 5 inches, 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 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-109, as more fully described in Section 56 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublot No. 18 in Taylor and Hoyt Subdivision of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and further described as follows:

Said Northerly part of Sublot No. 18 has a frontage of 26 feet on Easterly side of East 37th Street and extending back of equal width 73.50 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-116, as more fully described in Section 58 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 6 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point of intersection of the Westerly line of East 38th Street (formerly Williams Street) with the Southerly line of said Sublot No. 6; thence Northerly, measured along the Westerly line of East 38th Street, 23 feet, 4 inches; thence Westerly on a line parallel with the Southerly line of said Sublot No. 6, 150.50 feet to the Westerly line of said Sublot No. 6; thence Southerly, along the Westerly line of said Sublot No. 6, 23 feet, 4 inches to the Southerly line of said Sublot No. 6; thence Easterly, along the Southerly line of said Sublot No. 6, 150.50 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-121, as more fully described in Section 60 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 36-1/2 feet of Sublot No. 10 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68 and 69, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said part of said Sublot No. 10 has a frontage of 36-1/2 feet on the Westerly side of East 38th Street (formerly William Street) and extends back between parallel lines 150-1/2 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 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-123, as more fully described in Section 62 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 11 and 12 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 38th Street, at a point 23 feet Southerly from the Northeast corner of said Sublot No. 11; thence Southerly along the said Westerly line of East 38th Street, 44-1/100 feet to a point 17 feet Southerly from the North East corner of said Sublot No. 12; thence Westerly on a line parallel with the Northerly line of said Sublot No. 12, 150-1/2 feet to the Westerly line of said Sublot No. 12; thence Northerly along the Westerly line of said Sublot Nos. 12 and 11, 44-1/100 feet to a point 23 feet Southerly from the Northwest corner of said Sublot No. 11; thence Easterly on a line parallel with the Northerly line of said Sublot No. 11, 150-1/2 feet the place of beginning, be the same more or less, but subject to all legal highways.

Restrictions of record and zoning ordinances, if any.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-124, as more fully described in Section 64 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 13 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in

Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 38th Street, at the Southeast-erly corner of a parcel of land conveyed to Kellie M. Walker by Deed dated October 17, 1927, and recorded in Volume 3726, Page 247 of Cuyahoga County Records; thence Southerly, along the Westerly line of East 38th Street, 36 feet to a point; thence Westerly parallel to the Southerly line of Sublot No. 12, 88 feet 6 inches to a point; thence Northerly, parallel to the Westerly line of East 38th Street, 36 feet to the Southerly line of land conveyed to Kellie M. Walker as aforesaid; thence Easterly, along the Southerly line of land so conveyed, 88 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Easement recorded in Volume 10106, Page 187 to Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-126, as more fully described in Section 66 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 27 feet of the Easterly 74.50 feet to Sublot No. 14 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 27 feet front on the Westerly side of East 39th Street, and extending back between parallel lines 74.50 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 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-127, as more fully described in Section 68 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20-1/100 feet of Sublot No. 14 and the Northerly 10 feet of Sublot No. 15 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67 to 70, both inclusive as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 30-1/100 feet front on the Westerly side of East 38th Street (formerly Williams Street), and extending

back of equal width 150.5 feet deep, be the same more or less, but subject to all legal highways.

Restrictions of record and zoning ordinances, if any.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-130, as more fully described in Section 70 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 16 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as bounded and described as follows:

Beginning in the Westerly line of East 38th Street, at a point 63 feet Southerly therein from the Northerly line of Sublot No. 15 in said Allotment; thence Westerly 70 feet parallel with the Northerly line of said Sublot to a point 80 feet 6 inches Easterly from the Westerly line of said Sublot No. 16; thence Southerly 4 feet parallel with the Westerly line of East 38th Street; thence Westerly 68 feet 6 inches parallel with the Northerly line of said Sublot No. 15 to a point 12 feet Easterly from the Westerly line of said Sublot No. 16; thence Southerly 21.89 feet parallel with the Westerly line of said Sublot No. 16 to a point 11 feet 3 inches Northerly from the Southerly line thereof; thence Easterly 138 feet 6 inches parallel with the Southerly line of said Sublot No. 16 to the Westerly line of East 38th Street; thence Northerly 25.89 feet in the Westerly line of East 38th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-132, as more fully described in Section 72 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the North end of Sublot No. 19 and 20 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Northeast corner of Sublot No. 20 in said Allotment; thence Westerly along the North line of Sublot Nos. 20 and 19, 75-6/12 feet; thence south and parallel with East 38th Street (formerly Williams Street) 25-6/12 feet; thence East and parallel with the North line 25 feet; thence South 3 inches; thence East and parallel with North line 50-6/12 feet to the East line of Lot No. 20;

thence North along said East line of said Lot No. 20, being also the West line of East 38th Street (formerly Williams Street) 25-9/12 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 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-134, as more fully described in Section 74 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-134

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 17 feet in width from front to rear of Sublot No. 56 and the Northerly 13 feet in width from front to rear of Sublot No. 57 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 30 feet front on the West-erly side of East 39th Street, S.E., (formerly Grant Street) and having a depth of equal width of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 33 feet in width from front to rear of Sublot No. 56 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland and being 33 feet front on the West-erly side of East 39th Street S.E., (formerly Grant Street) and having a depth of equal width 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuya-hoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 15 feet in width from front to rear of Sublot No. 27, and all of Sublot No. 26 in William Wil-liams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 65 feet front on the Easterly side of East 38th Street (formerly Williams Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet in width from front to rear of Sublot No. 27 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland and being 35 feet front on the East-erly side of East 38th Street (for-merly Williams Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

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

Ohio, and known as being the Northerly 38 feet from front to rear of Sublot No. 25 in William Wil-liams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 38 feet front on the Easterly side of East 38th Street (formerly Williams Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 22 feet in width from front to rear of Sublot No. 58 and the Northerly 13 feet in width from front to rear of Sublot No. 59 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 35 feet front on the West-erly side of East 39th Street S.E., (formerly Grant Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 7 feet in width from front to rear of Sublot No. 57 and the Northerly 28 feet in width from front to rear of Sublot No. 58 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 35 feet front on the West-erly side of East 39th Street, S.E., (formerly Grant Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet in width from front to rear of the Southerly 37 feet in width from front to rear of Sublot No. 57 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in the City of Cleveland, and being 30 feet front on the West-erly side of East 39th Street S.E., (formerly Grant Street) and having a depth of 151 7/12 feet, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-135, as more fully described in Section 76 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 38th Street (formerly Williams Street), and

extending back between parallel lines, 151 feet, 7 inches, as appears by said plat, be the same more or less, but subject to all legal high-ways.

Section 77. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-136, as more fully described in Section 78 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-136

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 50 feet front on the Easterly side of East 38th Street (formerly Williams Street), and extending back of equal width 151-7/12 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Also subject to zoning ordinances, if any.

Section 79. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-137, as more fully described in Section 80 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 30 and 31 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in said City, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records;

Beginning at a point 29 feet measured Northerly along the Easterly side of East 38th Street from the Southwest corner of said Sublot No. 30; thence Easterly 84 feet to a point; thence Southerly and parallel with the Easterly line of East 38th Street, 29 feet to a point on the Southerly line of Sublot No. 30; thence Easterly along the Southerly line of Sublot No. 30, 67.7 feet to the Southeast-erly corner of Sublot No. 30; thence Northerly along the rear line of Sublot Nos. 30 and 31, 60 feet to a point measured 10 feet from the Southeast-erly corner of Sublot No. 31; thence West-erly and parallel with Northerly line of Sublot No. 30, 67.7 feet to a point measured 84 feet Easterly from the Easterly line of East 38th Street; thence Southerly and parallel with the Easterly line of Sublot Nos. 30 and 31, 29 feet to a point; thence West-erly 84 feet to a point on the Easterly line of East 38th Street; thence Southerly along the Easterly line of East 38th Street

2 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 81. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-141, as more fully described in Section 82 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet from front to rear of Sublot No. 33 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Easterly side William Street (now known as East 38th Street) and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 83. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-147, as more fully described in Section 84 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 11 feet from front to rear of Sublot No. 37 and the Northerly 17 feet of Sublot No. 36 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said parts of Sublot Nos. 36 and 37 together from a parcel of land having a frontage of 28 feet on the Easterly side of East 38th Street (formerly William Street), and extending back between parallel lines 151-7/12 feet as appears by said plat. Said premises are conveyed subject to and with the right of way in common 6 feet wide and 151-7/12 feet long, extending Easterly from said Easterly line of East 38th Street to the Easterly line of said Sublot No. 36, the center of said right of way being the Southerly line of the above described premises and the side lines of said right of way in common being parallel with the Southerly line and 3 feet distant North and South therefrom, said right of way in common to be kept open and unobstructed and to be used for ingress and egress to and from the premises abutting thereon on the North and South side lines.

Subject to Zoning Ordinances, if any.

Section 85. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-149, as more fully described in Section 86 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-149

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 21 feet on Sublot No. 38 and the Northerly 8 feet 6 inches of Sublot No. 37 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Said parts of Sublot Nos. 37 and 38 together form a parcel of land having frontage of the Easterly side of East 38th Street, of 29 feet 6 inches and depth of about 151 feet, as appears by said plat. Together with the right to permanent easement over the Southerly 3-1/2 feet of the property lying to the North of the within described premises, to be used in common and subject to an easement over the Northerly 3-1/2 feet of the above described premises.

Also subject to zoning ordinances, if any.

Section 87. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-153, as more fully described in Section 88 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-153

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 59 feet of the Northerly 23 feet of Sublot No. 92 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 Maps, Page 30 of Cuyahoga County Records, and being 23 feet front on the Westerly side East 37th Street, and extending back of equal width 59 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 89. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-154, as more fully described in Section 90 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-154

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in William Williams' Allotment of part of Original Ten

Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning in the Westerly line of East 38th Street, (formerly Williams Street), 60 feet wide, at the Southeasterly corner of said Sublot No. 3; thence Northerly along said Westerly line of East 38th Street, about 23.50 feet to a point distant Southerly (measured along said Westerly line of East 38th Street), 126.50 feet from the Southerly line of Cedar Avenue, S.E., (66 feet wide); thence Westerly along a line parallel with said Southerly line of Cedar Avenue, S.E., 40 feet; thence Southerly along a line parallel with said Westerly line of East 38th Street, 2.80 feet; thence Westerly along a line parallel with said Southerly line of Cedar Avenue, S.E., about 10.50 feet to the Westerly line of said Sublot No. 3, thence Southerly along said Westerly line of Sublot No. 3, about 20.70 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said Sublot No. 3, 50.50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 91. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-156, as more fully described in Section 92 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-156

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 59 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 39th Street at a point distant Southerly 13 feet from the North-easterly corner of said Sublot No. 59; thence Westerly 76 feet parallel with the Northerly line of said Sublot No. 59 to a point for the principal place of beginning; thence Southerly 35 feet parallel with the said Westerly line of East 39th Street to a point; thence Westerly 75.58 feet parallel with the Northerly line of said Sublot No. 59 to a point in the Westerly line thereof; thence Northerly 35 feet along the Westerly line of said Sublot No. 59 to a point; thence Easterly 75.58 feet parallel with the Northerly line of said Sublot No. 59 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 93. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-159, as more fully described in Section 94 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-22-159

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part Sublot No. 24 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, recorded in Volume 3 on Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Easterly line of East 38th Street, 60 feet wide, at the Southwesterly corner of Sublot No. 24; thence Easterly 76.50 feet along the Southerly line of said Sublot No. 24 to a point; thence Northerly 36.00 feet parallel with said Easterly line of East 38th Street to a point; thence Westerly 76.50 feet parallel with said Southerly line of Sublot No. 24 to a point in said Easterly line of East 38th Street; thence Southerly 36.00 feet along said Easterly line of East 38th Street to the place beginning, according to a survey by Robert H. Krause, Registered Ohio Surveyor No. 2885, September 28 and 29, 1949; be the same more or less, but subject to all legal highways.

Section 95. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-004, as more fully described in Section 96 below, to Burten, Bell and Carr Development Corporation or its designee.

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

P.P. No. 103-23-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet from front to rear to Sublot No. 86 in William Williams' Re-Subdivision of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68 and 69 as shown by the recorded plat of said Re-Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 97. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-010, as more fully described in Section 98 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 98. That the real property to be sold pursuant to Section 97 of this Ordinance is more fully described as follows:

P.P. No. 103-23-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat of said Allotment in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Livingston Street), and extending back 60.20 feet on the Northerly line, 60.21 feet on the Southerly line, and being 40 feet wide in the rear, as appears by said

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

Section 99. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-011, as more fully described in Section 100 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 100. That the real property to be sold pursuant to Section 99 of this Ordinance is more fully described as follows:

P.P. No. 103-23-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Arlington Court) and extending back 60.21 feet on the Northerly line, 60.22 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 101. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-012, as more fully described in Section 102 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 102. That the real property to be sold pursuant to Section 101 of this Ordinance is more fully described as follows:

P.P. No. 103-23-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street, and extending back 60.22 feet on the Northerly line, 60.23 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 103. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-013, as more fully described in Section 104 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 104. That the real property to be sold pursuant to Section 103 of this Ordinance is more fully described as follows:

P.P. No. 103-23-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly

side of East 43rd Street, and extending back 60.24 feet on the Southerly line, 60.23 feet on the Northerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 105. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-014, as more fully described in Section 106 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 106. That the real property to be sold pursuant to Section 105 of this Ordinance is more fully described as follows:

P.P. No. 103-23-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Subdivision 45 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Arlington Court) and extending back of equal width 60.24 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in W.J. Gordon's Allotment of part of Original One Hundred Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Arlington Court) and extending back of equal width 60.24 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 107. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-015, as more fully described in Section 108 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 108. That the real property to be sold pursuant to Section 107 of this Ordinance is more fully described as follows:

P.P. No. 103-23-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Arlington Court) and extending back 60.25 feet on the Northerly line, 60.26 feet on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 109. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-016, as more fully described in Section 110 below, to Burten, Bell and Carr

Development Corporation or its designee.

Section 110. That the real property to be sold pursuant to Section 109 of this Ordinance is more fully described as follows:

P.P. No. 103-23-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 42 in W.J. Gordon's Allotment of part of Original Ten Acre Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 43rd Street (formerly Arlington Court) and extending back 60.26 feet on the Northerly line, 60.27 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 111. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-023, as more fully described in Section 112 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 112. That the real property to be sold pursuant to Section 111 of this Ordinance is more fully described as follows:

P.P. No. 103-23-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 in Lindus Cody's Subdivision of part of Original Ten Acre Lot No. 71 as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 28 feet front on the Westerly line of East 43rd Street and extends back between parallel lines 60.47 feet deep on the Northerly line, 60.48 feet deep on the Southerly line and 28 feet wide in the rear as shown by the recorded plat, be the same more or less, but subject to all legal highways.

Section 113. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-029, as more fully described in Section 114 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 114. That the real property to be sold pursuant to Section 113 of this Ordinance is more fully described as follows:

P.P. No. 103-23-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 104 and parts of Sublot Nos. 102, 103 and 105 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and follows:

Beginning in the Northerly line of Central Avenue, N.E., 63 feet wide, at the Southwest corner of Sublot No. 104; thence South 67 degrees 51' 40" East along the Northerly line of Central Avenue, S.E., about 126.10 feet to the Southwest corner of a parcel of land conveyed to Standard Oil Company by deed in Volume 3471, Page 555 recorded in

Cuyahoga County Records; thence North 6 degrees 18' 20" East along the Westerly line of said land conveyed to Standard Oil Company, 47.65 de to an angle point therein; thence North 3 degrees 41' 40" West along the Westerly line of said land conveyed to Standard Oil Company and along the Westerly line of a parcel of land conveyed to the Standard oil Company by deed recorded in Volume 4705, Page 83, and along the Westerly line of land conveyed to Frank N. Missarra by deed recorded in Volume 8298, Page 467, and along the Westerly line of a parcel of land conveyed to John Bennett by deed recorded in Volume 6432, Page 467 of Cuyahoga County Records, 95.49 feet to the North-westerly corner of said land conveyed to John Bennett; thence North 89 degrees 50' 40" West parallel with the Southerly line of said Sublot No. 102, being the Southerly line of a parcel of land conveyed to Guiseppe Sanfilippo by deed recorded in Volume 3140, Page 427 of Cuyahoga County Records, 0.58 feet to the Southwest corner of said land; thence due North parallel with the Westerly line of East 40th Street and along the Westerly line of a parcel of land conveyed to Sidney J. Miller and Sanford Gerard by deed recorded in Volume 11826, Page 825 of Cuyahoga County Records, 43 feet to the Northwesterly corner of said line, said point being 100 feet West of the Westerly line of East 40th Street and 11 feet North of the Southerly line of said Sublot No. 102; thence North 89 degrees 50' 40" West parallel with the Southerly line of said Sublot No. 102, 14 feet to a point; thence due South parallel with the Westerly line of East 40th Street, 11 feet to a point in the Southerly line of said Sublot No. 102; thence North 89 degrees 50' 40" West along the Southerly line of said Sublot No. 102; said point being also the Northwesterly corner of Sublot No. 104 in said William Williams' Allotment; thence Southerly, along the Westerly line of said Sublot No. 104, in a direct line to the place of beginning, be the same more or less, but subject to all legal highways.

Section 115. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-037, as more fully described in Section 116 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 116. That the real property to be sold pursuant to Section 115 of this Ordinance is more fully described as follows:

P.P. No. 103-23-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Northerly 45 feet of the Southerly 49.33 feet of Sublot No. 69 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said part of Sublot No. 69 has a frontage of 45 feet on the Easterly side of East 39th Street, and extends back between parallel lines 151 feet and 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 117. That pursuant to Sec-

tion 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-039, as more fully described in Section 118 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 118. That the real property to be sold pursuant to Section 117 of this Ordinance is more fully described as follows:

P.P. No. 103-23-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 15 feet 8 inches of Sublot No. 70, all of Sublot No. 71 and the Southerly 4 feet 6 inches of Sublot No. 72 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 70 feet 2 inches on the Easterly side of East 39th Street, (formerly Grant Street) and extending back of equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 119. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-040, as more fully described in Section 120 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 120. That the real property to be sold pursuant to Section 119 of this Ordinance is more fully described as follows:

P.P. No. 103-23-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 72 of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and part of 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Easterly line of East 39th Street (formerly Grant Street), at the Southwest corner of said Sublot No. 72; thence Northerly along said Easterly line of said East 39th Street, 4 feet 6 inches to the principal place of beginning; thence continuing Northerly along said Easterly line of said East 39th Street, 42 feet to a point 3 feet 6 inches Southerly from the Northwest corner of said Sublot; thence Easterly parallel with the Northerly line of said Sublot, 151 feet 7 inches to a point in the rear line of said Sublot located 3 feet 6 inches Southerly from the Northeast corner of said Sublot; thence Southerly along the rear line of said Sublot, 42 feet to a point 4 feet 6 inches Northerly from the Southeast corner of said Sublot; thence Westerly parallel with the Southerly line of said Sublot, 151 feet 7 inches to the principal place of beginning as appears by said plat.

Section 121. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-043, as more fully described in Section 122 below, to Burten, Bell and Carr

Development Corporation or its designee.

Section 122. That the real property to be sold pursuant to Section 121 of this Ordinance is more fully described as follows:

P.P. No. 103-23-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 74 in the William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 31.75 feet front on the Easterly side of East 39th Street (formerly Grant Street), and extending back 151.58 feet of equal width of parallel lines, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 123. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-044, as more fully described in Section 124 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 124. That the real property to be sold pursuant to Section 123 of this Ordinance is more fully described as follows:

P.P. No. 103-23-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning at a point in the Northeasterly line of East 39th Street, distant North 8 degrees, 30 minutes 00 seconds West, 25-00/100 feet from the Southeasterly corner of said Sublot No. 75, thence North 81 degrees, 31 minutes and 10 seconds East, parallel with the Southeasterly line of said Sublot 100-00/100 feet, thence South 73 degrees 38 minutes 20 seconds East 16-07/100 feet, thence North 81 degrees 31 minutes 10 second east parallel with the Southwesterly line of said Sublot 37-00/100 feet to the Northeasterly line of said Sublot No. 75, thence North 8 degrees 30 minutes 00 seconds West along the Northeasterly line of said Sublot 31-75/100 feet to the Northeasterly corner thereof; thence South 81 degrees 31 minutes 10 seconds West along the Northwesterly line of said Sublot No. 75, 151-58/100 feet to the Northeasterly line of East 39th Street, thence South 8 degrees 30 minutes 00 seconds East along the Northeasterly line of East 39th Street, 25-00/100 feet to the place of beginning according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor.

Together with and subject to an easement over the following described parcel of land: Situated in the City of Cleveland, Cuyahoga County and State of Ohio and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded follows:

Beginning at a point in the Northeasterly line of East 39th Street at

a point distant North 8 degrees 30 minutes 00 seconds West 21-00/100 feet from the Southwesterly corner of said Sublot No. 75, thence North 8 degrees 30 minutes 00 seconds West along Northeasterly line of East 39th Street, 7-25/100 feet, thence North 81 degrees, 31 minutes 10 seconds East parallel with the Southeasterly line of said Sublot No. 75, 92-98/100 feet, thence South 73 degrees 38 minutes 30 seconds East, 17-26/100 feet, thence South 81 degrees 31 minutes 10 seconds West parallel with the Southeasterly line of said Sublot No. 75, 108-64/100 feet to the place of beginning to be used by the grantor and grantee and their respective heirs and assigned forever as a means of ingress and egress to their lands

Easement recorded in Volume 15401, Page 757 of Cuyahoga County Records for ingress and egress, described above.

Section 125. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-046, as more fully described in Section 126 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 126. That the real property to be sold pursuant to Section 125 of this Ordinance is more fully described as follows:

P.P. No. 103-23-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 39th Street (formerly Grant Street), and extending back of equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 127. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-047, as more fully described in Section 128 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 128. That the real property to be sold pursuant to Section 127 of this Ordinance is more fully described as follows:

P.P. No. 103-23-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 78 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 according to the plat of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, said Sublot No. 78 has a frontage of 50 feet on the Easterly side of East 39th Street (formerly Grant Street) and extends back between parallel lines 151 feet and 7 inches, be the same more or less, but subject to all legal highways.

Section 129. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-050, as

more fully described in Section 130 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 130. That the real property to be sold pursuant to Section 129 of this Ordinance is more fully described as follows:

P.P. No. 103-23-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet from front to rear of Sublot No. 82 in William Williams' Re-Subdivision of part of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69, as shown by the recorded plat of said resubdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land 30 feet front on the Easterly side of Grant Street (now known as East 39th Street), and extending back of equal width 151 feet 7 inches deep as appears by said plat, be the same more or less, but subject to all legal highways, and further subject to restrictions of record, reservations, easement and conditions of record, if any.

Section 131. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-051, as more fully described in Section 132 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 132. That the real property to be sold pursuant to Section 131 of this Ordinance is more fully described as follows:

P.P. No. 103-23-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet of Sublot No. 82 and the Southerly 10 feet of Sublot No. 83 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 30 feet front the Easterly side of East 39th Street and extending back between parallel lines 151-7/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 133. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-052, as more fully described in Section 134 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 134. That the real property to be sold pursuant to Section 133 of this Ordinance is more fully described as follows:

P.P. No. 103-23-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 30 feet 6 inches of the Southwesterly 61 feet of Sublot No. 83 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 30 feet 6 inches front on the Northeasterly side of East 39th Street and extending back

between parallel lines 61 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement recorded in Volume 7218, Page 470 of Cuyahoga County Records, and easement recorded in Volume 7218, Page 472 of Cuyahoga County Records, and easement recorded in Volume 7218, Page 474 of Cuyahoga County Records. Zoning Ordinances, if any.

Section 135. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-060, as more fully described in Section 136 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 136. That the real property to be sold pursuant to Section 135 of this Ordinance is more fully described as follows:

P.P. No. 103-23-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 93 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 40 Street, (formerly Case Avenue), 16 feet Northerly (measured along said Westerly line), from the Southeasterly corner of said Sublot No. 93; thence Northerly along said Westerly line, 33 feet; thence Westerly parallel to the Southerly line of said Sublot, about 207 feet to the Westerly line thereof; thence Southerly along the Westerly line of said Sublot No. 33 feet; thence Easterly about 207 feet to place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 137. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-061, as more fully described in Section 138 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 138. That the real property to be sold pursuant to Section 137 of this Ordinance is more fully described as follows:

P.P. No. 103-23-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Ten Acre Lot No. 69 and known as being the Northerly 29 feet of Sublot No. 94 and the Southerly 16 feet of Sublot No. 93 in William Williams Subdivision, recorded in Volume 3, Page 6 of Cuyahoga County Map Records, being 45 feet front on the Westerly side of East 40th Street. Together with and subject to driveway easements as shown of record in Warranty Deed recorded in Volume 262, Page 458, and quitclaim deed recorded in Volume 282, Page 610 of Cuyahoga County, Ohio Records.

Section 139. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-062, as

more fully described in Section 140 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 140. That the real property to be sold pursuant to Section 139 of this Ordinance is more fully described as follows:

P.P. No. 103-23-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 37 feet of Sublot No. 94 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in said City, and forming a parcel of land 37 feet front on the Westerly side of Case Avenue, now known as East 40th Street, and about 209 feet deep, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Also the right of way in common with the owners of the premises adjoining the above land on its Northerly side over 4 feet of land north of and adjoining the above premises, also subject to the right of way in common by the same parties over the Northerly 4 feet of the above described premises so as to form one common driveway 8 feet in width, one-half of same on above premises, one-half from the premises north of same, be the same more or less, but subject to all legal highways.

Section 141. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-063, as more fully described in Section 142 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 142. That the real property to be sold pursuant to Section 141 of this Ordinance is more fully described as follows:

P.P. No. 103-23-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 and the Northerly 44 feet front and rear of Sublot No. 96 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 110 feet front on the Westerly side of Case Avenue (now known as East 40th Street), and being 209 feet, 8-1/4 inches deep on the Northerly line, 212 feet and 1/2 inches deep on the Southerly line and 110 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 143. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-064, as more fully described in Section 144 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 144. That the real property to be sold pursuant to Section 143 of this Ordinance is more fully described as follows:

P.P. No. 103-23-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 22 feet front and rear of

Sublot No. 96, and the Northerly 22 feet front to rear of Sublot No. 97 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 44 feet front on the Westerly side of East 40 feet (formerly Case Avenue) and extending back about 212 feet 6 inches on the Northerly line, about 212 feet 8 inches on the Southerly line, and having rear line of 44 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 145. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-067, as more fully described in Section 146 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 146. That the real property to be sold pursuant to Section 145 of this Ordinance is more fully described as follows:

P.P. No. 103-23-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 26 feet from front to rear of Sublot No. 98 and the Northerly 16 feet from front to rear of Sublot No. 99 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said parts of Sublot Nos. 98 and 99 together form a parcel of land having a frontage of 42 feet on the Westerly side of East 40th Street, (formerly Case Avenue), and extends back about 214 feet 6 inches on the Northerly line, about 215 feet 8 inches on the Southerly line, and has a rear line of 42 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 147. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-071, as more fully described in Section 148 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 148. That the real property to be sold pursuant to Section 147 of this Ordinance is more fully described as follows:

P.P. No. 103-23-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 102 and 103 in William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 40th Street (formerly Case Avenue), at a point 11 feet Northerly, measured along said Westerly line, from the Southeasterly corner of said Sublot No. 102; thence Southerly along the Westerly line of East 40th Street, 43 feet; thence Westerly parallel with the Southerly line of said Sublot No. 102, 100 feet, thence Northerly parallel with

the Westerly line of East 40th Street, 43 feet; thence Easterly parallel with the Southerly line of said Sublot No. 102, 100 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 149. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-072, as more fully described in Section 150 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 150. That the real property to be sold pursuant to Section 149 of this Ordinance is more fully described as follows:

P.P. No. 103-23-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being of Sublot No. 105 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 in said City, and bounded and described as follows:

Beginning on the Westerly line of Case Avenue (now East 40th Street) at a point distant 32 feet Southerly from the Northerly corner of said Sublot; thence Westerly at right angles with Case Avenue (now East 40th Street), about 100 feet to a private alley; thence Southerly along said private alley, 31 feet to the Northwesterly corner of land conveyed to Frank Musarra by deed recorded in Volume 5431, Page 80 of Cuyahoga County Records; thence Easterly and parallel with the first described line and along the Northerly line of land so conveyed about 100 feet to the Westerly line of Case Avenue (now East 40th Street); thence Northerly along the Westerly line of Case Avenue (now East 40th Street), 31 feet to the place of beginning, as per plat of said Subdivision recorded in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said alley in the rear of said premises is a private alley running from Central Avenue, Northerly to the North line of the premises herein described, be the same more or less, but subject to all legal highways.

Section 151. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-073, as more fully described in Section 152 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 152. That the real property to be sold pursuant to Section 151 of this Ordinance is more fully described as follows:

P.P. No. 103-23-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 103 and 105 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being further described as follows:

Beginning in the Westerly line of East 40th Street, 99 feet wide, at a point distant due North, measured along said Westerly line 103.59 feet from its intersection with the Northerly line of Central Avenue, S.E., 63 feet wide, said point being

the Southeasterly corner of a parcel of land conveyed to Frank N. Musarra by deed recorded in Volume 8298, Page 467, Parcel No. 1 of Cuyahoga County Records; thence due North along the Westerly line of East 40th Street, 31.00 feet to the Northeasterly corner of said land; thence due West along the Northerly line of said land conveyed to Frank N. Musarra, 97.41 feet to a point the Easterly line of a private alley; thence South 3 degrees 41 minutes 40 seconds East along the Easterly line of said private alley, 31.06 feet to the Southwesterly corner of said land conveyed to Frank N. Musarra; thence due East along the Southerly line of said land, 95.41 feet to the place of the beginning, according to the survey of Warren J. Root and Associates, Civil Engineers and Surveyors.

Section 153. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-081, as more fully described in Section 154 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 154. That the real property to be sold pursuant to Section 153 of this Ordinance is more fully described as follows:

P.P. No. 103-23-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 113 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 40th Street (formerly Case Avenue) at the Northwesterly corner of Sublot No. 113; thence Southerly along the Easterly line of East 40th Street, 33 feet to the Northwesterly corner of land conveyed to the Board of Education of the City School District of the City of Cleveland by deed dated March 28, 1939 and recorded in Volume 4933, Page 116 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed, 190 feet to the Northeasterly corner thereof; thence Southerly along the Easterly line of land so conveyed, 33 feet to the Southerly line of said Sublot No. 113; thence Easterly along the Southerly line of said Sublot No. 113, about 107.83 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot, 66 feet to the Northeasterly corner thereof; thence Westerly along the Northerly line of said Sublot No. 113, 299.25 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 155. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-082, as more fully described in Section 156 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 156. That the real property to be sold pursuant to Section 155 of this Ordinance is more fully described as follows:

P.P. No. 103-23-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 60 feet of Sublot No. 112 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 60 feet front on the Easterly side of East 40th Street, and extending back 299.25 feet deep on the Southerly line, about 300.00 feet deep on the Northerly line, and having a rear line of 60 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 157. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-083, as more fully described in Section 157 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 158. That the real property to be sold pursuant to Section 157 of this Ordinance is more fully described as follows:

P.P. No. 103-23-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 33 feet of Sublot No. 111 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 33 feet front on the Easterly side of East 40th Street, and extending back of equal width about 300 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 159. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-084, as more fully described in Section 160 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 160. That the real property to be sold pursuant to Section 159 of this Ordinance is more fully described as follows:

P.P. No. 103-23-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 107 and the Westerly 10 feet front to rear of Sublot No. 108 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 40th Street (formerly Case Avenue) at the Southwesterly corner of Sublot No. 107; thence Northerly, along the Easterly line of East 40th Street, 66 feet to the Northwesterly corner of said Sublot No. 107; thence Easterly along the Northerly line of Sublot No. 107, 150 feet to the Westerly line of Sublot No. 108; thence Northerly along the Westerly line of Sublot No. 108, 99 feet to the Southerly line of Cedar Avenue, S.E., thence Easterly along said Southerly line of Cedar Avenue, S.E., 10 feet; thence Southerly and parallel with the Easterly line of

Sublot No. 108, 165 feet to the Southerly line of Sublot No. 108; thence Westerly along the Southerly lines of Sublot No. 108 and 107, to place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 161. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-089, as more fully described in Section 162 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 162. That the real property to be sold pursuant to Section 161 of this Ordinance is more fully described as follows:

P.P. No. 103-23-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 73 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of East 39th Street (formerly Grant Street) at a point distant 2.50 feet Northerly, measured along said Easterly line, from the Southwest corner of said Sublot No. 73; thence Easterly and parallel with Westerly line of said Sublot No. 73, 81.70 feet; thence Northerly, parallel with the Easterly line of East 39th Street 34 feet; thence Westerly and parallel with the Southerly line of said Sublot No. 73, 81.70 feet to the Easterly line of East 39th Street; thence Southerly, along the Easterly line of East 39th Street, 34 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 163. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-090, as more fully described in Section 164 below, to Burten, Bell and Carr Development Corporation or its designee.

Section 164. That the real property to be sold pursuant to Section 163 of this Ordinance is more fully described as follows:

P.P. No. 103-23-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 6 feet of Sublot No. 112 and the Southerly 33 feet of Sublot No. 111 in William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land having frontage of 39 feet on the Easterly side of East 40th Street, and extending back about 300 feet deep on the Southerly line, about 301 feet deep on the Northerly line, and having a rear line of 39 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 165. 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 docu-

ments 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 166. 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 167. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 168. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1027-96.

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

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant funds to enter into all contracts and related documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Midtown Corridor, Inc., or their designees, to allow these Community Based Development Organizations to contract with Vocational Guidance Services to provide a job training, matching, and placement service for Empowerment Zone residents, all in accordance with the City's Empowerment Zone Strategic Plan.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into and execute all contracts and all necessary documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Midtown Corridor, or their designees, for the purpose of allowing these Empowerment Zone Community Based Development Organizations to enter into contracts with Vocational Guidance Services to provide a job training, matching, and placement service for Empowerment Zone residents. That said contracts shall provide the designated Empowerment Zone Community Based Development Organization the right to designate representatives of the respective Neighborhood Advisory Council who will work with Vocational Guidance services in recruiting candidates in hiring

staff of the respective Neighborhood Based Job Match Teams.

Section 2. That the Director of Economic Development is hereby authorized to expend Economic Development Initiative Grant funds for the needed contracts.

Section 3. That the aggregate costs of expenditures authorized by this ordinance shall not exceed Nine Hundred Forty Six Thousand Seven Hundred Dollars (\$946,700), and shall be paid from Fund Nos. 18 SF 007 Request No. 2257.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1028-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Emerald Research Park, Ltd., or its designee, to provide economic development assistance to partially finance the construction of infrastructure, an access road and other site improvements to facilitate the development of the Emerald Research Park, located in Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Emerald Research Park, Ltd., or its designee, to provide economic development assistance to partially finance the construction of infrastructure, an access road and other site improvements to facilitate the development of the Emerald Research Park, located in the vicinity of Grayton Road.

Section 2. That the terms of said financial assistance shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1028-96-A.

Section 3. That the costs of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund No. 10 SF 501.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 10 SF 502.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal

regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1030-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ohio Avenue and 15209 Lincoln Avenue to Amistad 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). 142-26-015 and 142-27-098 and 142-27-099, as more fully described in Section 2 below, to Amistad Development Corporation.

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

P.P. No. 142-26-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 43 feet front and rear of Sublot No. 29 in the Seaboyne Realty Company's Subdivision No. 2 of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 115 of Maps, Page 11 of Cuyahoga County Records.

Subject to all legal highways.

P.P. No. 142-27-098 and 142-27-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 269 and 270 in Bella Villa Allotment of a part of Original War-

rensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records. Each of said Sublots 269 and 270 has a frontage of 30 feet on (Cleveland Avenue), now known as Lincoln Avenue, S.E., and extends back of equal width 100 feet, according to the recorded plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1035-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with MALCO Incorporated, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and computer equipment, located at 14200 Darley Avenue, Cleveland, Ohio.

Whereas, MALCO, Incorporated, or its designee, will be applying to the Department of Personnel and Human Resources for financial assistance to train its employees in the use of the new equipment and software; 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 hereby authorized to enter into a contract with MALCO Incorporated, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and computer equipment, located at 14200 Darley Avenue, Cleveland, Ohio, 44110.

Section 2. That the term of said

loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1035-96-A.

Section 3. That the costs of said contract shall not exceed Eighty-Two Thousand Dollars (\$82,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 22417.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1036-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, be enacting new Section 135.54 thereof, relating to obtaining access to computerized law enforcement information through the Law Enforcement Automated Data System (LEADS), for the Department of Public Safety, Division of Police.

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 135.34 thereof, to read as follows:

Section 135.54 Law Enforcement Automated Data System (LEADS)

This Council finds that access to the Law Enforcement Automated Data System (LEADS) cannot be secured from any source other than the State of Ohio. Therefore, the Director of Public Safety is hereby authorized to enter into agreements with the State of Ohio to obtain access to LEADS, for the Division of Police.

Section 2. That the cost of the agreements authorized by this ordinance shall be paid from Fund 01-60-02-0320 or from such other funding sources as may be provided through annual appropriation. (RL 20098).

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1038-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with Environmental Careers Organization, Inc. for professional services to recruit, select and place summer interns, for the Division of Environment, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into contract with Environmental Careers Organization, Inc. for professional services necessary to recruit, select and place not to exceed (3) summer interns in temporary positions in the Division of Environment for a period not to exceed twelve (12) weeks, including payment of the interns' salaries and payroll taxes, on the basis of its proposal dated February 23, 1996, in the total sum of \$21,303.00, payable from Fund No. 01-50-06-0380, Request No. 21804, for the Division of Environment, Department of Public Health.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1039-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase or lease by contract of a Medical Mobile Unit for the Department of Public Health, Division of Health, for the Healthy Family Healthy Start Project.

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

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

Section 1. That the Director of Public Health is hereby authorized to make a written contract or contracts in accordance with the Char-

ter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: a mobile medical primary care unit and necessary components to provide limited medical services, including pregnancy tests, diabetes and blood pressure screening, first trimester prenatal visits and pediatric care, to residents of neighborhoods in the Healthy Family Healthy Start Project area, to be purchased, leased, or leased with an option to purchase by the Commissioner of Purchases and Supplies for a gross rental or unit price for the Division of Health. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 2. That the Director of Public Health is hereby authorized to enter into a written requirements contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a time period to be determined, for the necessary items of medical equipment and components for a mobile medical primary care unit to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Health, Department of Health, for the Healthy Family Healthy Start Project. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 3. That the Director of Public Health is hereby authorized to enter into a contract with an individual, firm or entity for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design a mobile medical primary care unit until meeting the specific program needs of the Healthy Family Healthy Start Project by providing the medical services described in Section 1 of this Ordinance.

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

Section 4. The costs of the contracts authorized by Sections 1 and 3 of this ordinance shall be paid from Fund No. 13 SF 426, Request No. 21806.

Section 5. The costs of the contracts authorized by Section 2 of this ordinance shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such con-

tract duly certified by the Director of Finance. (RL 21806)

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1040-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to enter into contract with Cleveland Housing Network for the implementation of the Lead-based Paint Abatement on Low and Moderate Income Private Housing Program.

Whereas, pursuant to Ordinance No. 909-93, Council authorized the Director of Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development ("HUD") to conduct the Lead-based Paint Abatement on Low and Moderate Income Private Housing Program; and

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into contract with Cleveland Housing Network for professional services necessary to implement said program by managing the provision of intensive lead abatement services in residences where lead-poisoned children reside, on a city-wide, scattered site basis, in accordance with the terms of the HUD grant. Said contract shall be prepared by the Director of Law and shall provide for compensation in an amount not to exceed \$495,670, payable from Fund No. 13 SF 360, for the Division of Environment, Department of Public Health.

Section 2. That the Director of Public Health is hereby authorized and directed to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: intensive lead hazard abatement services, in not to exceed eighty (80) residences in the City where lead-poisoned children reside, to be purchased by the Commissioner of Purchases and Supplies for the Division of Environment, Department of Public Health. Notwithstanding and as an exception to Chapter 181 of the Codified Ordinances of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby authorized to procure the lead hazard abatements to be purchased hereunder using competitive procedures alternative to formal competitive bidding, but in all cases for the best price obtainable in the market, provided that the cost of such abatements shall not exceed \$10,000 each, and further provided that the approval of the Director of Finance is first obtained.

Section 3. That the cost of the lead hazard abatement contracts

authorized under Section 2 hereof shall be paid from Fund No. 13 SF 360.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1041-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of a 1997 criminal and civil filing system, including but not limited to accessories, and labor if necessary, for the Cleveland Municipal Court.

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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of a 1997 criminal and civil filing system, including but not limited to file folders, labels, tabs, envelopes, labeling equipment, shelving, supplies, and other items necessary for the acquisition of a system to file, track, catalog and retrieve court cases, including labor if necessary, in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis on behalf of the Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22639)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1042-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of computer supplies, for the Division of Information Systems Services, Department of Finance.

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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of computer supplies in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21600)

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1043-96.
By Councilmen Rokakis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Memphis Fulton Associates, or its designee, to provide economic development assistance to partially finance the completion of the rehabilitation of the real property known as the Memphis Fulton Shopping Center located in Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract

with Memphis Fulton Associates, or its designee, to provide economic development assistance to finance the completion of the rehabilitation of the real property known as the Memphis Fulton Shopping Center located at 4215-17 Fulton Road, Cleveland, Ohio 44144, excluding any retirement of existing debt.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1043-96-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000), and shall be paid from Fund No. 17 SF 008, Request No. 22412.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1044-96.
By Councilmen Rokakis, Jackson and Rybka (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Charter One Bank, or its designee, to provide for a ten (10) year abatement for certain real and tangible personal property taxes as an incentive to construct an operations center at 4103 Memphis Avenue located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set

forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Charter One Bank (the "Enterprise") has proposed to construct an operations center in the former Memphis School, in the City of Cleveland and located within the Zone; and

Whereas, the Enterprise has certified to the City that, but for abatement of certain real and tangible personal property taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason 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, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Charter One Bank, or its designee(s), for enterprise zone incentives on the basis that Charter One Bank is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Charter One Bank, or its designee(s), to provide for a ten (10) year abatement for certain certain real and tangible personal property taxes as an incentive to construct an operations center in the former Memphis School at 4103 Memphis Avenue in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the Director of Law shall prepare and approve said agreement and that said agreement 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 18, 1996.
Effective June 26, 1996.

Ord. No. 1046-96.
By Councilmen Willis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12109 Wade Park Avenue to Robert C. and Carrie L. Jones.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate 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. 120-14-036, as more fully described in Section 2 below, to Robert C. and Carrie L. Jones.

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

P.P. No. 120-14-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 38 in H. C. Ford's Allotment of part of Original One Hundred Acre Lot No. 388, as shown by the recorded plat of said allotment in Volume 14 of Maps, Page 40 of Cuyahoga County Records, said Sublot No. 38 is a triangular parcel of land having a frontage of 65 feet on the Northerly side of Wade Park Avenue N.E. formerly Hazel Avenue N.E. and extending back 83-44/100 feet on the Westerly line 106-74/100 feet on the Northeasterly line, said Northeasterly line being also the Southwesterly line of East 122nd Street (formerly Elmdale Avenue) be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1106-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Continental Airlines, Inc. for an aircraft hangar and freight terminal facility at Cleveland Hopkins International Airport.

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

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

Section 1. That any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary notwithstanding, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with Continental Airlines, Inc., for the use and occupancy of approximately 5.682 acres generally located on the west side of Cargo Road, south of Five Points Road, on Permanent Parcel No. 029-36-008 at Cleveland Hopkins International Airport to maintain and operate an aircraft hangar and freight terminal facility at the premises. The primary term of said Lease By Way of Concession shall commence upon the date the Lease is executed by both parties and, unless sooner terminated or cancelled, shall expire ten (10) years thereafter. The annual rental for the leased premises shall be as follows:

Period	Rate Per Annum
Execution through year 5	
Years 6 through 10	\$ 210,000.00
	\$ 241,500.00

Continental Airlines, Inc. may renew the Lease By Way of Concession for the following renewal periods with the first of such renewal periods commencing on the day following the expiration of the primary term and with all other terms and conditions of the Lease to remain the same during the renewal periods, except rent which shall be as follows:

1st five (5) year renewal —	\$277,725.00
2nd five (5) year renewal —	\$319,383.00

Continental Airlines, Inc. shall be issued credits against rent or landing fees for making certain improvements approved by the Director. At no time, however shall the issuance of credits result in the rent received by the City for the premises being less than \$16,000 per year.

Section 2. That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional conditions and provisions as said Director deems necessary to protect and benefit the public interest.

Section 3. That this ordinance is

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1110-96.
By Councilmen Rokakis, Jackson and Rybka (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1921 and 1623 Denison Avenue; 3896-98 West 34th Street and 3739 West 36th Street to Old Brooklyn Community Development Corporation or its 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), 009-04-001, 009-04-014, 014-03-090, 015-24-003, as more fully described in Section 2 below, to Old Brooklyn Community Development Corporation or its designee.

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

P.P. No. 009-04-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 74, bounded and described as follows:

Beginning in the Southerly line of Denison Avenue, S.W., at its point of intersection with the Easterly line of West 20th Street; thence Easterly along the Southerly line of Denison Avenue, S.W., 40.12 feet; thence Southerly along the Westerly line of land conveyed to Roman Krasowski and Mary Krasowski by deed dated May 16, 1922, recorded in Volume 2683, Page 451 of Cuyahoga County Records, about 121.87 feet to the Northerly line of Sublot No. 3 in the Sprankly Realty Company's Subdivision as shown by the recorded plat in Volume 45 of Maps, Page 4 of Cuyahoga County Records; thence Westerly along the Northerly line of said Sublot No. 3 about 40 feet to its point of intersection with the Easterly line of West 20th Street; thence Northerly along the

Easterly line of said West 20th Street, 120.03 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.

P.P. No. 009-04-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 23 in Kees and Burch's "Valley View" of part of Original Brooklyn Township Lot No. 74, as shown by the recorded plat in Volume 29 of Maps, Page 1 of Cuyahoga County Records and being 38.10 feet front on the Southerly side of Denison Avenue, S.W., and extending back 117.56 feet deep on the Easterly line, 110 feet deep on the Westerly line and being 37.33 feet wide in the rear, as appears by said plat.

P.P. No. 014-03-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in the H.E. Castle's Allotment of part of Original Brooklyn Township Lot No. 65, as shown by the recorded plat in Volume 13 of Maps, Page 10 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 34th Street, and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 015-24-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 3 in Andrew Wirth's Allotment of part of Original Brooklyn Township Lot No. 56, as shown by the recorded plat of said Allotment in Volume 12 of Maps, Page 42 of Cuyahoga County Records. Said Sublot No. 3 has a frontage of 46 feet on the Easterly side of West 36th Street (formerly Mt. Vernon Street) and extends back 136-14/100 feet on the Northerly line, 136-11/100 feet on the Southerly line and has a rear line of 46 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 consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1111-96.
By Councilmen Smith, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3322 West 43 Street and 3318 West 43 Street to Caren Meagher.

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 Nos. 015-01-025 and 015-01-026, as more fully described in Section 2 below, to Caren Meagher.

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

Permanent Parcel No. 015-01-025

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 105 in The Selden Allotment of part of Original Brooklyn Township Lot No. 54, as shown by the recorded plat in Volume 13 of Maps, Page 32 of Cuyahoga County Records, and being 36 feet front on the Westerly side of West 43rd Street (formerly Selden 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.

Also subject to zoning ordinances, if any.

Permanent Parcel No. 015-01-026

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 104 in the Selden Allotment of part of Original Brooklyn Township Lot No. 54, as shown by the recorded plat in Volume 13 of Maps, page 32 of Cuyahoga County Records and being 35 feet front on the Westerly side of West 43rd Street and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1112-96.
By Councilmen Westbrook, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1320 West 110th Street to Nugent Bros. Renovation and Construction Company.

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). 001-18-022, as more fully described in Section 2 below, to Nugent Bros. Renovation and Construction Company.

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

P.P. No. 001-18-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet of Sublot No. 12 and the Northerly 20 feet of Sublot No. 13 in Henry Lower's Subdivision of part of Original Brooklyn Township Lot Nos. 9 and 10, as shown by the recorded plat in Volume 19, Page 28 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Westerly side of West 110th Street, and extending back of equal width of 138.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1113-96.
By Councilmen White, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9212 Miles Avenue and 9216 Miles Avenue to Triumph The Church and Kingdom of God In Christ.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-09-013 and 119-09-014, as more fully described in Section 2 below, to Triumph The Church and Kingdom of God in Christ.

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

P.P. No. 134-09-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 76 and 77 in Newburgh Village Plat of part of Original 100 Acre Lot No. 464 as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows: Beginning on the Southerly line of Miles Avenue, Southeast, 70 feet wide at a point distant 137.15 feet Westerly, measured along said Southerly line, from its intersection with the Westerly line of East 93rd Street; thence Southerly and parallel with said Westerly line of East 93rd Street, to its intersection with the Easterly prolongation of the Southerly line of said Sublot No. 77; thence Westerly along said Easterly prolongation and along the Southerly line of said Sublot No. 77, 44.65 feet to the Southeast corner of land conveyed to George J. Anthony and Lucy M. Anthony by deed dated July 17, 1945, and recorded in Volume 5884, Page 282, of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed about 172.65 feet to said Southerly line of Miles Avenue, Southeast; thence Easterly along said Southerly line 44.65, 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. 134-09-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 76 in The Newburgh Village Allotment, 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, and bounded and described as follows:

Beginning at a state on the Southerly line of Miles Avenue, S. E., as now established 70 feet in width, at a point 96.50 feet westerly from the intersection of said Southerly line with the Westerly line of East 903rd Street; thence Southerly parallel with East 93rd Street about 175.83 feet to a point; thence Westerly along the Southerly line of the Sawyer Estate, 27 feet; thence Northerly parallel with East 93rd Street 2.5 feet to a stake; thence Westerly along the Southerly line of the Sawyer Estate 13.65 feet to a stake; thence Northerly parallel with East 93rd Street, 172.95 feet to a stake in the Southerly line of Miles Avenue S.E.; thence Easterly along the Southerly line of

Miles Avenue S.E., 40.65 feet to the place of beginning, as per survey by The Lander Engineering Company, October, 1916, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1116-96.

By Councilmen Westbrook and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.

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 hereby authorized and directed to pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

Claimant	Claim No.	Amount	Division	Fund
Kelly Hardware & Garden Center	10007	\$1,760.69	Water Pollution Control	54 SF 001
Dennis Anderson	10013	415.00	Water Pollution Control	54 SF 001
Daisy Orlando	10014	1,500.00	Water Pollution Control	54 SF 001
Shirley Logan-Kelley and Jeffrey Kelley	10025	230.00	Water Pollution Control	54 SF 001
Cleveland Home Center	10044	1,582.24	Water Pollution Control	54 SF 001
Ohio Auto Diesel Technical School	10059	4,500.00	Water Pollution Control	54 SF 001
Ellen F. Pearson	10070	1,500.00	Water Pollution Control	54 SF 001
Christopher Williams	10074	1,500.00	Water Pollution Control	54 SF 001
Steven Annes	10106	500.00	Water Pollution Control	54 SF 001
Raymond E. Duke dba, Park Auto Service	10110	3,600.00	Water Pollution Control	54 SF 001
Northern Stamping, Inc.	10084	7,349.00	Water	52 SF 001
Arthur Cashin	10017	76.00	Police	01-60-02-0720
Richard Agnew	10024	325.00	Police	01-60-02-0720
Todd C. and Robert Amsdell	10036	500.00	Police	01-60-02-0720
Luther Levert	10058	184.68	Police	01-60-02-0720
Ronell Frazier	10065	130.00	Police	01-60-02-0720
Debra and Dennis Carr	10069	324.90	Police	01-60-02-0720
Lindsey Levert	10085	400.00	Police	01-60-02-0720
Calvin Jerome Jackson	10099	350.00	Police	01-60-02-0720
Theresa Sutton	10150	2,625.00	Police	01-60-02-0720
John V. Senn	10109	96.00	Police	01-60-02-0720
Leroy C. Nagle	10112	100.00	Police	01-60-02-0720
Marjorie A. Leonard	10018	500.00	Fire	01-60-03-0720
Harry A. Wilson, Jr.	10053	450.00	Fire	01-60-03-0720
James C. Varsey	10057	100.00	Emergency Medical Service	01-60-04-0720
Georgia Bickerstaff	10094	250.00	Emergency Medical Service	01-60-04-0720
Valerie Riddle	9993	372.49	Park Maintenance and Properties	01-70-10-0720
Claudia Lattimore	10008	50.00	Park Maintenance and Properties	01-70-10-0720
Timothy J. Driscoll	10012	100.00	Park Maintenance and Properties	01-70-10-0720

Claimant	Claim No.	Amount	Division	Fund
Ivonne Fernandez	10037A	1,100.00	Park Maintenance (Urban Forestry)	01-70-10-0720
Adam Misztal	10037B	1,025.00	Park Maintenance (Urban Forestry)	01-70-10-0720
SRS Hotels Matthew Swank and Progressive Services, Inc.	10028 10000	497.95 372.00	Convention Center Clerk of Courts	10 SF 051 01-01-16-0720
Barbara Ann Kish and Douglas Kuchna	10010	83.00	Clerk of Courts	01-01-16-0720
Michael Gettings	10060	4,070.00	Building and Housing	01-80-05-0720
Joseph Mihalic	10089	13,400.00	Building and Housing	01-80-05-0720
Joseph Mason	10093	17,900.00	Building and Housing	01-80-05-0720
Floyd Leach	10003	275.00	Neighborhood Development	01-80-05-0720
Ace Fixtures	10035	205.60	Streets	10 SF 401
Wilbert Williams	10051	60.00	Streets	10 SF 401
Harvey Duty	10092	500.00	Waste Collection	01-40-03-0720

Section 2. That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1204-96.
By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Sunny Properties, Ltd., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a commercial building located at 4317 Chester Avenue, Cleveland, Ohio 44103.

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 hereby authorized to enter into a contract with Sunny Properties, Ltd., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a commercial building located at 4317 Chester Avenue, Cleveland, Ohio 44103.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1204-96-A.

Section 3. That the costs of said contract shall not exceed One Hundred Eighty-Three Thousand Dollars (\$183,000.00), and shall be paid from Fund No. 18 SF 001, Request No. 22280.

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

Section 5. That the Director of

Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18, 1996.

Effective June 26, 1996.

Ord. No. 1205-96.
By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 63rd Street to Ronie A. Stephens 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). 118-03-034, as more fully described in Section 2 below, to Ronie A. Stephens or designee

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

P.P. No. 118-03-034

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the northerly 35 feet from front to rear of Sublot No. 19 and the southerly 15 feet from front to rear of Sublot No. 20 in Clara M. Hannon's Subdivision of a part of Original One Hundred Acre Lot No. 337 as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the westerly side of East 63rd Street (formerly Kensington St.), and extending back of equal width 148-48/100 feet as appears by said plat, be the

same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any

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

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

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1206-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1704-1718 East 60th Street and 5902 Quimby Avenue to Jerome and Deborah Williams.

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 Nos. 104-20-026 and 104-20-027, as more fully described in Section 2 below, to Jerome and Deborah Williams.

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

P.P. No. 104-20-026

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublots Nos. 177, 178, 179, 180, 181 and 182 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, together forming a parcel of land 199.98 feet front on the Westerly side of East 60th Street and extending back between parallel lines 95.07 feet along the Southerly side of Quimby Avenue N.E. on the North and the Northerly side of Belvidere Avenue N.E. on the South and being about 199.98 feet wide in the rear, as appears by said plat.

Subject to Zoning Ordinances, if any.

Permanent Parcel No. 104-20-027

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 183 and the Easterly 21-1/2 feet of Sublot No. 184 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land having a frontage 56.5 feet on the Southerly side of Quimby Avenue N.E., and extending back between parallel lines about 200 feet to the Northerly line of Belvidere Avenue N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1207-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 63rd Street to Duane Smith 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). 118-03-092, as more fully described in Section 2 below, to Duane Smith or designee.

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

P.P. No. 118-03-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 21 in Claire M. Hannon's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and forming a parcel of land, bounded and described as follows:

Beginning in the Southerly line of Hough Avenue N.E. (60 feet wide) at an iron pin set at the Northerly corner of said Sublot No. 21; thence Easterly along said Southerly line of Hough Avenue N.E., 61 feet to an iron pin; thence Southerly along a line parallel with the Westerly line of said Sublot No. 21, 57.81 feet to an iron pin set in the Southerly line of parcel of land conveyed to Margaret E. Lewis by deed dated May 9, 1905, and recorded in Volume 978, Page 126 of Cuyahoga County Records; thence Westerly along said Southerly line of land conveyed to Margaret E. Lewis, 61 feet to an iron pin set in the Westerly line of said Sublot No. 21; thence Northerly along said Westerly line of Sublot No. 21, 57.76 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.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1208-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 70th Street, 1875 East 70th Street and 1879 East 70th Street to Robert Grace 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). 118-07-055B, 118-07-056, 118-07-057, as more fully described in Section 2 below, to Robert Grace or designee.

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

P.P. No. 118-07-055-B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 29 and 30 and part of Sublot No. 31 in Streater and Adams Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4, page 4 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at an iron pin set at a point on the easterly line of East

70th Street, 50 feet wide (formerly Russell Street), said point being Due South along the said easterly line of East 70th Street 17.34 feet from the northwesterly corner of said Sublot No. 31; thence South 89 degrees 32' 13" East along a line parallel to the northerly line of Sublot No. 31, and distant south 17.34 feet, a distance of 195.19 feet to an iron pin set;

Thence South 0 degrees 03' 46" West along the easterly line of Sublots Nos. 31 thru 29, a distance of 119.69 feet to an iron pin set in the southeasterly corner of said Sublot No. 29;

Thence North 89 degrees 14' 01" West, along the southerly line of said Sublot No. 29, 195.07 feet to an iron pin set in the Easterly line of East 70th Street;

Thence Due North along the said easterly line of East 70th Street, a distance of 118.66 feet to the Point of Beginning and containing 23,253 square feet of land according to a survey by Ronald V. Garnett, Registered Professional Land Surveyor No. 5828, be the same more or less, but subject to all legal highways.

P.P. No. 118-07-56

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as the Northerly 44 feet from front to rear of Sublot No. 30 and the Southerly 2 feet from front rear of Sublot No. 31 in Streater and Adams Subdivision of Part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records and together forming a parcel of land 46 feet front on the Easterly side of East 70th Street and extending back of equal width 194 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-07-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 29 and the Southerly one foot of Sublot No. 30 in the Streater and Adams Subdivision of a part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 and 5 of Cuyahoga County Records, and together forming a parcel of land 47 feet front on the Easterly side of East 70th Street (formerly Russell Avenue) and extending back between parallel lines 194 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 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 Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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 18, 1996.

Effective June 26, 1996.

Ord. No. 1209-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1890 and 1884 East 70th Street to Alexander Boone.

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). 118-07-044 and 118-07-045, as more fully described in Section 2 below, to Alexander Boone.

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

P.P. No. 118-07-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 34 in Streater and Adams' Subdivision of part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of said Sublot No. 34 at the Northeastly corner of the first parcel of land conveyed to the Frank L. Cody Building Company by deed recorded in Volume 607, Page 457 of Cuyahoga County Records; thence Easterly along the Northerly line of said Sublot No. 34, 167.71 feet to the Westerly line of East 70th Street, (formerly Russell Avenue); thence Southerly along said Westerly line of East 70th Street, 65 feet to the Southeastly corner of said Sublot No. 34; thence Westerly along the

Southerly line of Sublot No. 34 to the Southeastly corner of said parcel so conveyed to the Frank L. Cody Building Company; thence Northerly parallel with the Westerly line of East 70th Street about 64.88 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 118-07-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 35 in W.S. Steator and D. Adams Subdivision of part of Original One Hundred Acre Lot Nos. 338 and 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 70th Street (formerly Russell Street) at the Southeastly corner of said Sublot No. 35; thence Northerly along the Westerly line of East 70th Street, 56 feet; thence Westerly parallel with the Southerly line of Sublot No. 36 in said Subdivision 173.45 feet; thence Southerly 6 feet to the Northerly line of a parcel of land conveyed by James L. Higgins, to Mary T. Terry, and husband to the Frank L. Cody Building Company, by deed dated March 9, 1896 and recorded in Volume 629, Page 402; thence Westerly, along a Southerly line of land so conveyed to the Frank L. Cody Building Company, 3 feet; thence Southerly along the Easterly line of land so conveyed to the Frank L. Cody Building Company, 50 feet to the Southerly line of said Sublot No. 35; thence Easterly along the Southerly line of said Sublot No. 35, 176 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1210-96.
By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1880 East 70th Street and 1876 East 70th Street to Gwendolyn and Jerold Sims.

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). 118-07-046 and 118-07-047, as more fully described in Section 2 below, to Gwendolyn and Jerold Sims.

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

P.P. No. 118-07-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots, Nos. 35 and 36 in Streator and Adams Subdivision of part of Original One Hundred Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 70th Street, (formerly Russell Avenue), at the Northeastly corner of land conveyed to Mary T. Terry by deed dated June 1, 1901, and recorded in Volume 794, Page 36 of Cuyahoga County Records; thence Northerly along said Westerly line of East 70th Street, 39 1/2 feet; thence Westerly on a line parallel to said Northerly line of land so conveyed to Mary T. Terry, 173 feet to the Easterly line of land conveyed to The Frank L. Cody Building Company by deed dated March 11, 1896, and recorded in Volume 642, Page 5 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed to The Frank L. Cody Building Company 39 1/2 feet to the North Westerly corner of land so conveyed to Mary T. Terry; thence Easterly along the Northerly line of said land conveyed to Mary T. Terry, 173 feet to the place of beginning.

Subject to an easement recorded in Volume 2135, Page 618 of Cuyahoga County Records.

P.P. No. 118-07-047

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

Ohio, and known as being part of Sublots Nos. 36 and 37 in Streator & Adams Subdivision of part of Original 100 Acre Lots Nos. 338 & 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 70th Street (formerly Russell Avenue) at a point distant 39 1/2 feet Northerly from the Northeastly corner of land conveyed by Charles S. Williamson to Mary T. Terry by deed dated June 1, 1901, and recorded in Volume 794, Page 36 of Cuyahoga County Records; thence Westerly on a line parallel to the Northerly line of land so conveyed to Mary T. Terry, 173 feet to the Easterly line of land conveyed by Houston H. Poppleton and Lucina H. Poppleton to The Frank L. Cody Building Company by deed dated March 11, 1896, and recorded in Volume 642, PageS of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to said The Frank L. Cody Building Company, 39 1/2 feet to the Northwestly corner of land conveyed by Houston H. Poppleton (wife) to Charles S. Williamson by dated dated May 17, 1901 and recorded in Volume 785, Page 140 Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Charles S. Williamson, 173 feet to the Westerly line of East 70th Street; thence Southerly along said Westerly line of East 70th Street, about 39 1/2 feet to the place of beginning, be the same more or less, but subject to all legal highways, together with and subject to an eight foot common driveway on the South, as the same appears of record four feet of which is on the premises above described.

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1211-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 70th Street to Briant J. Taylor.

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 Nos. 118-07-054 and 118-07-055 (parcel A), as more fully described in Section 2 below, to Briant J. Taylor.

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

P.P. No. 118-07-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 225 in Streater and Adams Re-Subdivision of part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat of said Re-Subdivision in Volume 13 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 70th Street (formerly Russell Street) at the Northwesterly corner of said Sublot No. 225; thence Southerly along said Easterly line of East 70th Street, 44-32/100 feet to a point, 5-68/100 feet Northerly (measured along said Easterly line), from the Southwesterly corner of said Sublot No. 225; thence Easterly on a line parallel to the Southerly line of said Sublot No. 225 about 168-85/100 feet to the Easterly line of said Sublot No. 225; thence Northerly along said Easterly line of Sublot No. 225, 44-32/100 feet to the Northeastly corner of said Sublot No. 225; thence Westerly along said Northerly line of Sublot No. 225, 168-83/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 118-07-055

Parcel A

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known Sublots Nos. 225 and 226 in Streater and Adams Re-Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 13, page 6 of Cuyahoga County Map Records and part of Sublot No. 31 in Streater and Adams Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4, page 4 of Cuya-

hoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at a point on the easterly line of East 70th Street 50 feet wide (formerly Russell Street), said point being an iron pin set on the northwesterly corner of said Sublot No. 225, thence South 89 degrees 31' 36" East, 168.83 feet to an iron pin set in the northeastly corner of said Sublot No. 225;

Thence South 0 degrees 02' 03" East, along the easterly line of Sublot No. 225, and continuing along the easterly line of Sublot No. 226, a distance of 101.29 feet to an iron pin set in the southeastly corner thereof;

Thence South 89 degrees 32' 13" East along the northerly line of the aforementioned Sublot No. 31, a distance of 26.32 feet to an iron pin set in the northeastly corner thereof;

Thence South 0 degrees 03' 46" East along the easterly line of said Sublot No. 31, a distance of 17.34 feet to an iron pin set;

Thence North 89 degrees 32' 13" West along a line parallel to the northerly line of said Sublot No. 31, and distant southerly 17.34 feet, a distance of 195.19 feet to an iron pin set in the easterly line of East 70th Street;

Thence due North along the said easterly line of East 70th Street, 118.66 feet to the Point of Beginning and containing 20,490 square feet of land according to a survey by Ronald V. Garnett, Registered Professional Land Surveyor No. 5828, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 18, 1996.

Effective June 26, 1996.

Ord. No. 1212-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1890 East 79th

Street, 1898-1900 East 79th Street, 1904 - East 79th Street to Cynthia H.D. Moore.

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). 118-10-001, 002, 003, 004, 005, as more fully described in Section 2 below, to Cynthia H.D. Moore.

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

P.P. No. 118-10-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 and the Northerly 21 feet 3 inches of Sublot No. 14 in D.E. and L.E. Holden's Re-Allotment of their allotment of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land 65 feet front on the Westerly side of East Madison Avenue (now known as East 79th Street) and extending back of equal width 160 feet, 6 inches deep, excepting, however, from the above described parcel of land, a strip 9 feet in width taken from the Easterly end thereof for the purpose of widening East Madison Avenue, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinance, if any.

P.P. No. 118-10-002

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the Northerly 25 feet of Sublot No. 13 and the Southerly 23 feet, 9 inches of Sublot No. 14 in D.E. and L.E. Holden's Re-Subdivision of part of Original 100 Acre Lot No. 339, as shown by the recorded plat in Volume 4 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 53 feet, 9 inches on the Westerly side of East 79th Street (formerly East Madison Avenue) and extending back of equal width 151 feet, 6 inches to an unnamed 12 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-10-003, 004 and 005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 and the Southerly 20 feet to rear

Sublot No. 13 in D.E. and L.E. Holden Re-Allotment of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 4 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 65 feet on the Westerly side of East 79th Street (formerly East Madison Avenue) and extending back of equal width 160 feet 6 inches to an unnamed 12 foot alley, as appears by said plat, excepting therefrom a strip of land 9 feet in width from the Easterly end of said Sublot No. 12 ad part of Sublot No. 13 taken for purposes of widening East 79th Street, be the same more or less, but subject to all legal highways.

And by Quit Claim Deed dated May 13, 1985, recorded May 14, 1985 in Volume 85-2891, Page 58.

3693 Hildana Road, Shaker Heights, OH 44120
Subject to Zoning Ordinances, if any.

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

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

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1213-96.
By Councilman Lewis.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ministerial Head Start Superior Academy to stretch small flags on various light poles on Superior Avenue, between Addison and Giddings, for the period from July 15, 1996 to August 15, 1996, inclusive, publicizing its Grand Opening.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public

Service is hereby authorized and directed to issue a permit to the Ministerial Head Start Superior Academy to install, maintain and remove small flags on various light poles on Superior Avenue, between Addison and Giddings for the period from July 15, 1996 to August 15, 1996, inclusive. Said small flags shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags shall be removed promptly upon the expiration of said permit.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1214-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance to repeal Ordinance No. 876-96, passed June 10, 1996, relating to authorizing the Director of Port Control to enter into agreements with parking lot operators located off airport property, in order to assess fees to such companies for use of airport property in the conduct of the companies' business at Cleveland Hopkins International Airport, and to issue permits for the use of airport property pursuant to said agreements.

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

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

Section 1. That Ordinance No. 876-96, passed June 10, 1996, is hereby repealed.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1215-96.
By Councilmen Patmon and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to lease space at Rockwell Towers, 1701 East 13th Street from the Rockwell Company, or their designees, for a term not to exceed five years, with five one-year options to renew, for the public purpose of providing office space for Cleveland Job Training and Placement System of the Depart-

ment of Personnel and Human Resources.

Whereas, the City of Cleveland requires certain space located at Rockwell Towers, 1701 East 13th Street for the public purpose of providing office space for the Cleveland Job Training and Placement System of the Department of Personnel and Human Resources; and

Whereas, The Rockwell Company, or their designees, has proposed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Personnel and Human Resources is authorized to lease from The Rockwell Company, or their designees, approximately 33,302 square feet of space in the Rockwell Towers, 1701 East 13th Street, Cleveland, Ohio 44114, in the amounts as follows: approximately 24,083 square feet on the second floor; approximately 6,402 square feet on the first floor; and approximately 2,807 square feet of storage in the basement.

Section 2. That the term of the lease authorized by Section 1 shall not exceed five years, with five one-year options exercisable by the Director of Personnel and Human Resources, and cancellable upon thirty days written notice by said director.

Section 3. That the rent for the lease authorized by Section 1 shall not exceed \$7.00 per square foot, exclusive of utilities, plus a two-month rental deposit. The total annual rent, excluding any deposit, shall not exceed \$233,144.00.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose or purposes of office space for the Cleveland Job Training and Placement System of the Department of Personnel and Human Resources.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the cost of the lease shall be paid from Fund No. 15 SF 060, Request No. 22480.

Section 7. That the lease shall provide that the City shall have the right to cancel the lease in any year program funds for the payment of rent are no longer available from the State or federal government.

Section 8. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 9. That the Director of Personnel and Human Resources and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 10. 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 18, 1996.
Effective June 26, 1996.

Ord. No. 1216-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with Malco, Inc., or its designee, for customized occupational skills training, for the Department of Personnel and Human Resources.

Whereas, Malco, Inc. has applied for a loan through the City's Depart-

ment of Economic Development to acquire new computer equipment; and

Whereas, Malco, Inc. desires to train eligible economically disadvantaged youth and adults and dislocated workers to operate that equipment; and

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

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

Section 1. That the Director of Personnel and Human Resources, is hereby authorized and directed to enter into contract with Malco, Inc., or its designee, for professional services necessary to provide customized occupational skills training for eligible economically disadvan-

taged youth and adults and dislocated workers under the Job Training Partnership Act, in the total sum of \$125,000.00, payable from Fund Nos. 15 SF 051 and 15 SF 055, Request Nos. 22929 and 22930, for the Department of Personnel and Human Resources.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1217-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modification in Contract No. 48230 for the Crown-Morgan Interconnect Project, Phase III, with Lott Construction Co./Triad Engineering and Contracting, Inc. for the Department of Public Utilities.

Whereas, Ordinance No. 1608-95, passed October 23, 1995, authorized the Director of Public Utilities to enter into a subsidiary agreement to City Contract No. 48230 with Lott Construction Co./Triad Engineering and Contracting, Inc.; and

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 48230 with Lott Construction Co./Triad Engineering and Contracting, Inc. for the Crown-Morgan Interconnect Project, Phase III, for the Department of Public Utilities:

Work Item Description	Estimated Quantity	Unit Price	Unofficial Extension
<u>STORM SEWER REPLACEMENT</u>			
Storm sewer installation			
- 12" VCP	900 lf	\$ 90.00	\$ 81,000.00
- 15" VCP	902 lf	\$ 98.00	\$ 88,396.00
Manholes	13 each	\$ 2,586.00	\$ 33,618.00
Catch basins	7 each	\$ 1,421.00	\$ 9,947.00
12x6 wyes	19 each	\$ 163.00	\$ 3,097.00
15x6 wyes	17 each	\$ 263.00	\$ 4,471.00
	SUBTOTAL:		\$220,529.00
<u>ROADWAY REPLACEMENT</u>			
Remove existing curb	1520 lf	\$ 4.25	\$ 6,460.00
Remove aprons	265 sq. yd.	\$ 21.00	\$ 5,565.00
4" underdrain	1520 lf	\$ 8.65	\$ 13,148.00
Install new curbs	1520 lf	\$ 11.50	\$ 17,480.00
Install new aprons	265 sq. yd.	\$ 60.25	\$ 15,966.25
Plane and resurface roadway	2533 sq. yd.	\$ 4.70	\$ 11,905.10
Remove/Replace road castings			
- Catch Basins	7 each	\$ 700.00	\$ 4,900.00
- Sewer covers	4 each	\$ 800.00	\$ 3,200.00
Remobilization, if/as required	Lump Sum	\$ 4,500.00	\$ 4,500.00
	Lump Sum	\$ 5,066.00	\$ 5,066.00
	Lump Sum	\$ 6,512.00	\$ 6,512.00
Traffic Maintenance	Lump Sum		\$ 6,512.00
Additional Bond Cost	Lump Sum		\$ 500.00
	subtotal:		\$ 95,202.35
			\$ 4,760.12
	SUBTOTAL:		\$ 99,962.47

TOTAL STORM SEWER AND ROADWAY REPLACEMENT \$320,491.47

Original Contract Amount	\$ 3,383,578.00	
First Subsidiary Additions	<u>+ 638,027.62</u>	(Ord. No. 1608-95)
Revised Contract Amount	\$ 4,021,605.62	
Revised Contract Amount	\$ 4,021,605.62	
Additions this subsidiary	<u>+ 320,491.47</u>	
TOTAL REVISED CONTRACT AMOUNT	\$ 4,342,097.09	

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised pursuant to Ordinance No. 1608-95, passed October 23, 1995, in the sum of \$320,491.47, to be paid from Fund Nos. 52 SF 219 and 10 SF 401.

Section 2. That the Director of Public Service and the Director of Public Utilities hereby acknowledge that the Department of Public Service shall reimburse the Division of Water for the roadway replacement portion of the work. Accordingly, the Director of Public Service is hereby authorized and directed to transfer funds to the Division of Water to reimburse the Division of Water for such costs.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1218-96.
By Councilmen Robinson, Jackson, Rybka and Rokakis (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11813 Imperial Avenue, 3448 East 130th Street, 3452 East 130th Street, 3547 East 140th Street, 3665 East 143rd Street, 13400 Lambert Avenue, 3614 East 143rd Street and 3656 East 154th Street to Mt. Pleasant Now 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). 129-27-081, 130-23-019, 130-23-020, 139-01-151, 139-02-137, 137-12-090, 139-01-091, 139-19-112, as more fully described in Section 2 below, to Mt. Pleasant Now Development Corporation.

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

P.P. No. 129-27-081
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in the Woodhill Park Sanda Allotment of part of Original One Hun-

dred Acre Lot Nos. 436 and 437, as shown by the recorded plat in Volume 48 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Northerly side of Imperial Avenue, S.E., and extending back between lines, 120 feet deep, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 130-23-019
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in William H. Kelly's Heirs Allotment of part of Original One Hundred Acre Lot Nos. 453 and 445, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 130th Street (formerly Louise Avenue) and extending back of equal width 164 feet, as appears by said plat.

P.P. No. 130-23-020
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in the W.H. Kelley Heirs' Allotment No. 1 of part of Original One Hundred Acre Lot Nos. 445 and 453, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 130th Street (formerly Louise Street), and extending back of equal width 164 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 139-01-151
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Bartlett Homestead Subdivision No. 1 of part of Original Warrensville Township Lot No. 51, as shown by the recorded plat in Volume 46 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 140th Street, and extending back 167.25 feet on Northerly line, 167.36 feet on the Southerly line, and having rear line of 40 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. 139-02-137
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 81 in the Kinner Allotment of part of Original Warrensville Township Lot Nos. 51 and 61, as shown by the recorded plat in Volume 40 of Maps, Page 9 of Cuyahoga County Records and being a parcel of land 40 feet front on the Easterly side of East 143rd Street and extending back of equal width 103.31 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 137-12-090
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28A in M.S. Melzers Mount Pleasant Subdivision of part of Original One Hundred Acre Lot No. 454, as shown by the recorded plat in Volume 50 of Maps, Page 35 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lambert Avenue, S.E., and extending back 139.17 feet on the Easterly line, 139.27 feet on the Westerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 139-01-091
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in the Kinner Allotment of part of Original Warrensville Township Lot Nos. 51 and 61, as shown by the recorded plat in Volume 40 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 143rd Street, and extending back between lines 100 feet deep, be the same more or less, but subject to all legal highways.

P.P. No. 139-19-112
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

157 in the Shaker Overlook Land Company's Subdivision of part of Original Warrensville Township Lot Nos. 51, 52, 61 and 62, as shown by the recorded plat in Volume 65 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 154th Street, (formerly Liberty Boulevard), and extending back of equal width 133 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 consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1219-96.
By Councilman Robinson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Mt. Pleasant Community Council to stretch banners on Kinsman at Martin Luther King Dr., Kinsman at E. 118th Street, Kinsman at E. 143rd Street, and Martin Luther King Dr. and Parkhill for the period from July 15, 1996 to August 5, 1996, inclusive, publicizing its 33rd Community/Family Day.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Mt. Pleasant Community Council to install, maintain and remove banners on Kinsman at Martin Luther King Dr., Kinsman at E. 118th Street, Kinsman at E. 143rd Street, and Martin Luther King Dr. and Parkhill for the period from July 15, 1996 to August 5, 1996, inclusive. Said banners 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 banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1220-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance to transfer the sum of Three Hundred Thousand Dollars (\$300,000) within the Division of Property Management of the General Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within 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 the sum of Three Hundred Thousand Dollars (\$300,000) be the same and hereby transferred as follows:

GENERAL FUND

DIVISION OF
PROPERTY MANAGEMENT

	FROM	TO
I. Personnel and Related Expenses	\$300,000	
II. Other Expenses		\$300,000
TOTAL GENERAL FUND	\$300,000	\$300,000

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1221-96.
By Councilman Smith.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Ignatius High School to stretch small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from August 15, 1996 to September 15, 1996, inclusive, publicizing its Reunion and Cleveland's Bicentennial.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Ignatius High School to install, maintain and remove small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from August 15, 1996 to September 15, 1996, inclusive. Said small flags shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags shall be removed promptly upon the expiration of said permit.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1223-96.
By Councilman Westbrook.
An emergency ordinance to amend Section 1 of Resolution No. 1122-96, adopted June 10, 1996, relating to the laying, relaying and repairing of sidewalks and curbing on certain streets.

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

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

Section 1. That Section 1 of Resolution No. 1122-96, adopted June 10, 1996, is hereby amended to read as follows:

"Section 1. That the sidewalks and curbing on the following streets, at locations hereinafter named and between the points described, including both the frontages and depths of corner lots where said streets intersect, be laid, relaid and repaired, with either stone-flagging or concrete, to the full width of the present sidewalks or curbing on the following streets and in accordance with the established grade on each street respectively:

- London Road (Euclid Avenue to Railroad Tracks)
- West 115th Street (Fruitland Court to Clifton Boulevard)
- West 100th Street (the following addresses: 3119, 3120, 3122, 3123, 3127, 3133, 3137, 3140, 3144, 3148)
- West 99th Street (the following address: 3183)

Section 2. That existing Section 1

of Resolution No. 1122-96, passed June 10, 1996, is hereby repealed.

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

Passed June 18, 1996.
Effective June 26, 1996.

Ord. No. 1224-96.

By Councilmen Westbrook, Coats and Polensek.

An emergency ordinance authorizing and naming of the Committee Meeting Room of Cleveland City Council to The Mercedes Cotner Committee Room.

Whereas, it is most fitting and appropriate to recognize Mercedes Cotner for her years of dedicated service to the citizens of Cleveland; and

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

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

Section 1. That the name of City Hall Room 217, the City Council Committee Room, is hereby changed to The Mercedes Cotner Committee Room.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of an appropriate plaque to reflect the change of name.

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 18, 1996.
Effective June 26, 1996.

Ord. No. 1235-96.

By Councilmen Westbrook and Rybka.

An emergency ordinance authorizing and directing the Mayor and the Director of Parks, Recreation and Properties to enter into a First Amendment to the contract between the City of Cleveland and the National Football League to state conditions relating to payment of real estate taxes on any portion of the Leased Premises and to clarify the use of the Leased Premises.

Whereas, on March 8, 1996, this Council passed Ordinance No. 303-96, wherein Section 5 of said Ordinance authorized the Mayor and the Director of Parks, Recreation and Properties to enter into a Lease By Way of Concession between the City and the NFL (hereinafter the "Lease"), for the purpose that the Cleveland NFL franchise would play for 30 years all regular season home games in the new stadium; and

Whereas, it is Council's desire to clarify issues relating to certain potential tax liabilities, maintenance obligations and future development rights; and

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

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

Section 1. That the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into an amendment to the contract between the City of Cleveland and the National Football League to clarify and confirm that notwithstanding any provisions of the Lease to the contrary, the Lessee or any subtenant shall pay any and all real estate taxes assessed on the Leased Premises attributable to any development activity outside the footprint of the stadium structure itself, and shall pay any and all real estate taxes separately assessed on areas or operations within the stadium structure itself if said areas or operations are used at any time for a retail purpose independent of scheduled stadium events open to the public and result in the County Auditor assessing additional real estate taxes on account of said area or operation.

Section 2. That the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into an amendment to the contract between the City and the National Football League to clarify and confirm that, notwithstanding any provision of the Lease to the contrary, (a) the only permitted use by Lessee of the facility is the leasing of a sports facility for the play of professional football games and the presentation of other entertainment and public attractions; hosting NFL sanctioned football games in the facility; conducting practices or workouts by professional football teams whether or not for exhibition to the public; selling or granting to third parties the right to sell tickets or seats, and for the conducting and exhibiting by the Lessee to the public other events or activities held in connection with or involving the playing or exhibition of professional football games; Lessee's administrative office use; restaurants or food or beverage service facilities by Lessee or its designee in the facility; and presenting other sporting events, musical concerts and other similar events and activities as may be lawfully conducted in the facility; (b) any additional use of the Leased Premises must be authorized by a further amendment to the Lease in accordance with its terms and as authorized by ordinance of Council, and (c) as of April 1, 1997, but in no event later than the completion of construction, the parties shall record a new legal description for the parcel on which the new stadium is located.

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 18, 1996.
Effective June 26, 1996.

REPRINT

Ord. No. 418-96.
By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the New Village Corporation, to construct an ornamental fence with a gate and a planting strip, approximately 330 feet long and 3.5-foot wide, which will encroach into the right-of-way of Central Avenue S.E. between East 36th and East 37th Streets at Central Commons Subdivision No. 4.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to the New Village Corporation, General Partner, whose address is Glenville Enterprise Center; 540 East 105th Street; Cleveland, Ohio 44108; its successors and assigns, for the construction, use and maintenance of an ornamental fence and a gate and also a planting strip approximately 330.00 feet long and approximately 3.5 feet wide along the Central Commons Subdivision No. 4 building front, bearing the house numbers of 3604, 3612, 3628, 3636, 3644, 3652, and 3664; and which fence, gate, and planting strip will encroach into the public right-of-way of Central Avenue S.E. between East 36th and East 37th Streets, at the locations more fully described as follows:

ENCROACHMENT/FENCE & PLANTING STRIP/IN R/W OF CENTRAL AVENUE S.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 3.5 feet of Central Avenue S.E. (60.00 feet wide) extending Easterly from the Easterly line of East 36th Street (60.00 feet wide) to the Westerly line of East 37th Street (66.00 feet wide), be the same more or less but subject to all legal highways.

Section 2. That said fence, gate and planting strip will be constructed within the public right-of-way of Central Avenue S.E. at the locations aforesaid in Section 1., and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

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

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

Passed June 10, 1996.
Effective June 19, 1996.

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Issuance and Sale of Bonds — Maximum Principal 18,605,000 — providing funds to improve municipal street (O 938-96)	1286
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