

The City Record

Official Publication of the City of Cleveland

December the Fourth, Two Thousand and Two

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	4326 Daisy Avenue	44109
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council - Valarie J. McCall, 216 City Hall, 664-2840
First Assistant Clerk - Sandra Franklin

MAYOR - Jane L. Campbell
Rodney Jenkins, Executive Assistant
David M. McGuirk, Executive Assistant
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Henry Guzman, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer

DEPT. OF LAW - Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE - Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts - Alan Schneider, Commissioner, Room 19
Assessments and Licenses - Dedrick Stephens, Commissioner, Room 122
City Treasury - Algoner Walker, Treasurer, Room 115
Financial Reporting and Control - James Gentile, Controller, Room 18
Information Systems Services - Cleo Henderson, Commissioner, 1404 E. 9th St.
Purchases and Supplies - Myrna Branche, Commissioner, Room 128
Printing and Reproduction - Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES - Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS - 1201 Lakeside Avenue
Cleveland Public Power - James F. Majer, Commissioner
Street Lighting Bureau - _____, Acting Chief
Utilities Fiscal Control - Dennis Nichols, Commissioner
Water - Julius Ciaccia, Jr., Commissioner
Water Pollution Control - Darnell Brown, Commissioner

DEPT. OF PORT CONTROL - John C. Mok, Director,
Cleveland Hopkins International Airport, 5300 Riverside Drive;
Burke Lakefront Airport - Khalid Bahkur, Commissioner
Cleveland Hopkins International Airport - Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture - Kurt Weibusch, Commissioner, Room 517
Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets - Randell T. Scott, Commissioner, Room 25
Traffic Engineering - Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal - Ron Owens, Commissioner, 5600 Carnegie Avenue.

DEPT. OF PUBLIC HEALTH - Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS: Correction - Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
Environment - Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Health - Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Avenue

DEPT. OF PUBLIC SAFETY - James A. Draper, Director, Room 230
DIVISIONS: Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police - Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES - James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS: Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Parking Facilities - Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties - Richard L. Silva, Commissioner, Public Auditorium - E. 6th & Lakeside.
Property Management - Tom Nagle, Commissioner, East 49th & Harvard
Recreation - Michael Cox, Commissioner, Room 8
Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS: Administrative Services - Terrence Ross, Commissioner.
Building & Housing - Robert Vilkas, Commissioner, 5th Floor, City Hall.
Neighborhood Services - Louise V. Jackson, Commissioner.
Neighborhood Development - Sharon Dumas, Commissioner.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Eduardo A. Romero, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS - Kenya Taylor, Director

COMMUNITY RELATIONS BOARD - Room 11, Lorna Wisham, Director;
Mayor Jane L. Campbell, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Rev. Bruce Goode, Paula Castleberry, Charles E. McBee, Mary Adele Springman, Esq., Terez E. Woods, Emmett Saunders, John Banno, Mary Jane Buckshot, Kathryn M. Hall, Raymond Negron, Evangeline Hardaway, Edna Fuentes-Casiano, Janet Jankura, Gia Hoa Ryan.

CIVIL SERVICE COMMISSION - Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, Matthew Dotson.

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

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members: Margreat Hopkins, Ozell Dobbins, Joan Shaver-Washington, Eugene Cranford, Jr., Secretary.

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

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Dwayne J. Simpson, Robert Keiser, Executive Secretary.

**CLEVELAND MUNICIPAL COURT
JUSTICE CENTER - 1200 ONTARIO STREET
JUDGE COURTROOM ASSIGNMENTS**

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuela Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

Earle B. Turner - Clerk of Courts, Michael E. Flanagan - Court Administrator, Paul J. Mizerak - Bailiff, Kenneth Thomas - Chief Probation Officer, Gregory F. Clifford - Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, DECEMBER 4, 2002

No. 4643

CITY COUNCIL

MONDAY, DECEMBER 2, 2002

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

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.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 16, 2002

9:30 A.M.

Calendar No. 02-337: 4227 West 143rd Street (Ward 20)

Michael Hastings, owner, appeals to construct a 20' x 24' one-story garage to the rear of a 40' x 120' corner parcel and to install approximately 70 linear feet of 6' high wooden fencing to the north, south and east of the parcel all located in a One-Family District on the southeast corner of Terminal Avenue and West 143rd Street; said construction being contrary to the Residential District Requirements of Section 337.23(a), where no building shall be less than 18" from the property line and 1' is proposed and contrary to the Yards and Courts Requirements of Section 357.05(b)(2), where no building shall be erected nearer the side street at the rear line of a corner lot than the setback building line of the butt lot and said fence installation being contrary to the Fence Regulations, where no portion of a solid fence should run parallel to a driveway within 15' of its intersection with a public sidewalk as stated in Section 358.03(a) of the Codified Ordinances.

Calendar No. 02-344: 1892 East 73rd Street (Ward 7)

Eric Holland, owner, appeals to construct a 21' x 50' second story, frame recreation room addition to an existing 40' x 50' garage all situated on a 130' x 203' parcel located in a Multi-Family District on the west side of East 73rd Street at 1892 East 73rd Street; said construction being referenced in the defini-

tions of Section 325.04, where the mean height of 15' is permitted and 25' is proposed and contrary to the Height Regulations, where an accessory building shall not exceed 15' in height as stated in Section 353.05 of the Codified Ordinances.

Calendar No. 02-345: 6403 Fir Avenue (Ward 17)

Cleveland Housing Network, owner c/o Tesco Builders and Delorce Graham, agent, appeal to construct a 21' x 22' two-story, frame one dwelling house with a 14' x 20' attached garage all situated on a 50' x 62' parcel located in a Two-Family District on the south side of Fir Avenue at 6403 Fir Avenue; said construction being contrary to the Yards and Courts Requirements of Section 357.05, where a 5' side street yard setback is required and 3' is proposed and Section 357.08, where a 9.77' rear yard setback is proposed and 20' is required and an undefined interior side yard setback is proposed and 10' is required as stated in Section 357.09 of the Codified Ordinances.

Calendar No. 02-346: 15519 Holmes Avenue (Ward 11)

Diocese of Cleveland and St. Mary's Church, owner c/o Tom Ziska, agent, appeal to construct a 14,000 sq. ft. gymnasium addition to the existing school all situated on a 135' x 400' parcel located in a Two-Family District on the north side of Holmes Avenue at 15519 Holmes Avenue; said construction being contrary to the Residential District Requirements of Section 337.03, where the existing school proposing a gym abuts a Two-Family District at the rear and by reference as regulated in a One-Family District, Section 337.02(f)(3), a school is required to be 30' from any adjoining premises in a residence district not used for a similar purpose and is subject to the Board of Zoning Appeals review and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(e), where 140 parking spaces are required and none are proposed and contrary to the existing Nonconforming Use Requirements, where an addition and an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 02-347: 14408 Lakeshore Boulevard (Ward 10)

Patricia Ankhenaton, owner, appeals to enclose an existing 13' x 32' front porch of an existing 2 1/2-story concrete block and frame dwelling house all situated on an approximate 141' x 180' irregular shaped parcel located in a Multi-Family District on the south side of Lakeshore Boulevard at 14408 Lakeshore Boulevard; said enclosure being contrary to the Yards and Courts Requirements, where a 13' projection is proposed and enclosed front porches shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 02-348: 2201 West 93rd Street (Ward 18)

WTech, L.P., c/o David Orlean, appeals to add an additional four stories above an existing school

building and adding 244 dwelling units all situated on an acreage parcel located in a Multi-Family District on the east side of West 93rd Street at 2201 East 93rd Street; said addition being contrary to the Height Regulations of Section 353.01, where the maximum height of 60' is permitted and 116'-6" is proposed and contrary to the Area Requirements of Section 355.04, where 119,791 total sq. ft. gross floor area is permitted and 679,436 sq. ft. of gross floor area is proposed and contrary to the existing Nonconforming Use Requirements, where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 02-349: 4713 Memphis Avenue (Ward 16)

Angela Miller, owner, appeals to install a 5' high pole sign with a setback of 20' in the front yard of a 37' x 122' residential parcel located in a Local Retail Business District on the south side of Memphis Avenue at 4713 Memphis Avenue; said installation being contrary to the Sign Regulations of Section 350.08(b), where a 5' high sign is proposed and signs may be placed to allow a clear view between 2.5' and 8' above grade in a triangle formed by the driveway edge, the street right of way line and a line 10' from point of intersection and no curbed planted island is proposed and free standing signs within the setback area are required to be set within a 100 sq. ft. area of a curbed planted island as stated in Section 350.08(c) of the Codified Ordinances.

Calendar No. 02-350: 1961 West 21st Street (Ward 13)

Robert Ewolski, owner, appeals to construct an approximate 24' x 35' three-story, frame dwelling unit on an approximate 70' x 134' parcel located in a General Industry District on the east side of West 21st Street at 1961 West 21st Street; said construction being contrary to the Industrial District Requirements, where no building for human habitation may be erected in a General Industry District as stated in Section 345.04(c)(1) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 2, 2002

At the meeting of the Board of Zoning Appeals on Monday, December 2, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-325: 2617 East 127th Street
Melinda Steele appealed to construct a 28' x 30' one-story frame accessory garage on an existing foundation in a Two-Family District.

Calendar No. 02-330: 317 East 156th Street
Northeast Shores Development Corporation appealed to change the use of the first floor of a two-story masonry building into offices in a Local Retail Business District.

The following appeals were **Denied**:

Calendar No. 02-327: 14930 Sylvia Avenue
Kenneth Riley appealed to construct a 24' x 24' one-story frame garage to the front of an existing 24' x 26' garage all to the rear of a parcel in a Two-Family District.

Calendar No. 02-332: 12706 Brighton Avenue

Clement Andera appealed to construct a 36' x 40' one-story frame garage to the rear of a parcel in a One-Family District.

The following appeal was **Withdrawn**:

Calendar No. 02-306: 3715 Highland Road

David Hinz appealed to construct a 22' wide x 40' long x 22' high accessory garage with a second floor storage area to the area of a parcel in an A1 One-Family District.

The following appeal was **Dismissed**:

Calendar No. 02-329: 3686 West Boulevard

William and Shirley Wenzel appeal from a citation issued by the Division of Building and Housing for illegal conversion from one dwelling unit to two dwelling units.

The following appeals were **Postponed**:

Calendar No. 02-326: 14909 Kingsford Avenue postponed to December 23, 2002.

Calendar No. 02-328: Motion to Amend Resolution, 4347-63 Rocky River Drive postponed to December 16, 2002.

Calendar No. 02-331: 8118 Superior Avenue postponed to December 23, 2002.

Calendar No. 02-335: 3190 West 105th Street postponed to January 6, 2003.

Calendar No. 02-308: 11010-12 Superior Avenue postponed to January 6, 2003.

Calendar No. 02-312: 1891-1905 East 93rd Street postponed to December 23, 2002.

On Monday, December 2, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, November 25, 2002, and said decisions were adopted and approved in Executive Session on December 2, 2002:

The following appeal was **Approved**:

Calendar No. 02-298: 1810 Lamaille Court
Richard Russ appealed to construct a 20' x 31' two-story one family house in a Multi-Family District.

The following appeals were **Denied**:

Calendar No. 02-319: Appeal of Murray's Discount Auto Sales, 11011 Lorain Avenue

The 11011 Lorain Avenue Associates and Murray's Discount Auto Sales appealed from a Notice of Violation issued by the Division of Building and Housing.

Calendar No. 02-321: 5700 Stickney Avenue

Ray Shepard appealed to construct a 24' x 54' one-story frame accessory garage with a second floor on a 50' x 146' parcel in a Two-Family District.

The following appeal was heard by the Board on October 7, 2002 and the decision to approve was adopted on December 2, 2002:

Calendar No. 02-245: 3159 West 25th Street

Ricardo Perez, tenant, appealed to change the use of a two-story store building into an assembly use and private club with entertainment in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business

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

WEDNESDAY, DECEMBER 11, 2002

2168-80 East 39 Street Demolition, for the Division of Building and Housing, Department of Community Development, as authorized by Ordinance No. 130-02, passed by the Council of the City of Cleveland, April 1, 2002.

November 27, 2002 and December 4, 2002

THURSDAY, DECEMBER 12, 2002

Various Renovations at the City of Cleveland, Department of Parks, Recreation & Properties Recreation Centers Phase 1, for the Division of Architecture, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1728-2000, passed by the Council of the City of Cleveland, April 9, 2001.

THERE WILL BE A PRE-BID MEETING WEDNESDAY, DECEMBER 4, 2002 AT 10:00 A.M. AT LONNIE BURTON RECREATION CENTER, LOCATED AT 2511 E. 46TH STREET, CLEVELAND, OHIO.

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

Homeownership Zone — East 68 & East 69 Street Sewer Replacement, for the Division of Water Pollution Control, Department Public Utilities, as authorized by Ordinance No. 1913-01 and 1015-02, passed by the Council of the City of Cleveland, April 29, 2002 and May 20, 2002.

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

November 27, 2002 and December 4, 2002

WEDNESDAY, DECEMBER 18, 2002

Digital/Electronic Telecommunications, for the Department of Cleveland Municipal Court, as authorized by Ordinance No. 1279-99, passed by the Council of the City of Cleveland, July 14, 1999.

THERE WILL BE A PRE-BID MEETING, WEDNESDAY, DECEMBER 4, 2002 AT 10:00 A.M. IN THE BAILIFF DEPARTMENT CONFERENCE ROOM ON THE 10TH FLOOR AT THE JUSTICE CENTER, LOCATED AT 1200

ONTARIO STREET, CLEVELAND, OHIO 44101.

November 27, 2002 and December 4, 2002

THURSDAY, DECEMBER 19, 2002

Fire Prevention Computerization, for Various Divisions, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

November 27, 2002 and December 4, 2002

WEDNESDAY, JANUARY 8, 2003

Street Lighting Lamps, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, DECEMBER 19, 2002 AT 10:00 A.M., CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

November 27, 2002 and December 4, 2002

WEDNESDAY, DECEMBER 18, 2002

Aviation Insurance, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2172-02, passed by the Council of the City of Cleveland, November 11, 2002.

December 4, 2002 and December 11, 2002

THURSDAY, DECEMBER 19, 2002

Jacobsen Mower Parts, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 2330-02, pending.

Bunker Gear Suits, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 1093-02, passed by the Council of the City of Cleveland, July 17, 2002.

December 4, 2002 and December 11, 2002

FRIDAY, DECEMBER 20, 2002

Replacement of Five Peerless Pumps, for the Division of Convention Center, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1981-02, passed by the Council of the City of Cleveland, October 21, 2002.

Medical Supplies, for the Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 2164-01, passed by the Council of the City of Cleveland, February 4, 2002.

Security Systems, for the Division of Civil & Criminal, Department of Cleveland Municipal Court, as authorized by Ordinance No. 2142-01, passed by the Council of the City of Cleveland, April 1, 2002.

December 4, 2002 and December 11, 2002

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1852-02.

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

An emergency resolution declaring the necessity and intention to appropriate property for public use for the acquisition, clearance and redevelopment, according to the Kinsman Road/East 80th Street/East 82nd Street Community Development Plan, of the blighted area.

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

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

Section 1. That for the public purpose of acquisition, clearance and redevelopment, according to the Kinsman Road/East 80th Street/East 82nd Street Community Development Plan, of the blighted area it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 127-01-013
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 105, 106, 107, 108, 109, 110 in Charles Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records.

Said Sublot Nos. 105, 106, 107, 108, 109 and 110 together form a parcel of land having a frontage of 190 feet on the Easterly side of East 80th Street (formerly Atlantic Street) and extending back 141 feet 7 inches on the Northerly line, 141 feet 4 inches on the Southerly line and having a rear line of 190 feet, as appears by said plat.

Permanent Parcel No. 127-01-014
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 111, 112, 113, 114, 115 and 116 in Charles Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records and together forming a parcel of land having a frontage of 185 feet on the Easterly side of East 80th Street (formerly Atlantic Street) and extending back 141 feet 4 1/2 inches deep on the Northerly line, 141 feet 3/4 inches deep on the Southerly line which is also the Northerly line of Preble Avenue S.E. (formerly Pine Street), and being 185 feet in the rear, excepting therefrom the parcel of land being the Easterly 71 feet of Sublots Nos. 114, 115 and 116, said parcel having a frontage of 71 feet on the Northerly side of Preble Avenue, and extending back a distance of 95 feet, as appears by said plat.

Permanent Parcel No. 127-08-005
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 103 and the Northerly 20 feet of Sublot No. 104 in Charles

Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records.

Permanent Parcel No. 127-07-004
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 109 in C.C. Baldwin's Re-Allotment of A.C. Armstrong's Allotment of a part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records, as appears by said plat.

Section 2. That the Director of Finance is 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 the 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 November 25, 2002.
Effective December 3, 2002.

Res. No. 1984-02.

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

An emergency resolution declaring the necessity and intention to appropriate a temporary easement and fee simple property interests for public use in connection with the widening of Memphis Avenue.

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

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

Section 1. That for the public purpose of widening Memphis Avenue, it is necessary to appropriate fee simple property interests for public use and this Council declares its intent to appropriate fee simple property interests in and to the following described property:

Parcel No 17
Situating in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 187 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 469.11 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 36.76 feet to a point;

Thence S 44° 51' 38" E along the proposed right-of-way line of Memphis Avenue a distance of 7.09 feet to a point on the Westerly right-of-way line of West 50th Street;

Thence N 00° 02' 05" W along the Westerly right-of-way line of West 50th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 41.96 feet to a point; Thence S 00° 16' 25" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains 221 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 21
Situating in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, being part of Sublot Nos. 143 and 146 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43 as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 202.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 175.22 feet to a point;

Thence S 45° 09' 32" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.05 feet to a point on the Easterly existing right-of-way line of West 50th Street;

Thence N 00° 02' 05" W along the Easterly existing right-of-way line of West 50th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 180.18 feet to a point on the Easterly property line;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described is made up of three strips, one of 313 S.F., another of 400 S.F. and the third of 200 S.F., totaling an area of 913 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 23

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 89 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 81.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 31.00 feet to a point;

Thence S 44° 58' 22" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.03 feet to a point on the Easterly line of West 49th Street;

Thence N 00° 22' 05" W along the Easterly existing right-of-way line of West 49th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 36.00 feet to a point;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 193 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 24

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 88 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43 as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 81.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 37.00 feet to a point;

Thence N 00° 22' 05" W along the Easterly property line a distance of 5.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 37.00 feet to a point;

Thence S 00° 22' 05" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 185 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 28

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot Nos. 2 and 3 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence S 89° 41' 05" E along the right-of-way centerline of Memphis Avenue a distance of 220.84 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 68.00 feet to a point;

Thence S 44° 58' 25" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.03 feet to a point on the Easterly right-of-way line of West 48th Street;

Thence N 00° 22' 05" W along the Easterly right-of-way line of West 48th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 73.00 feet to a point on the Easterly property line;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 378 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 12

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 151 in the Lowrie Company's Brookside Park Addition of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 41 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 865.04 feet to a point;

Thence S 00° 18' 55" W a distance of 43.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 40.00 feet to a point;

Thence N 00° 16' 25" W along the Easterly property line a distance of 13.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 40.00 feet to a point;

Thence S 00° 16' 25" E along the Westerly property line a distance of 13.00 feet to the true place of beginning.

It is understood that the strip of land above described contains 520 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 13

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N Range 13W and known as part of Sublots Nos. 151 and 152 in Lowrie Company's Brookside Park Addition of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat of said Addition in Volume 41 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 825.04 feet to a point; Thence S 00° 18' 55" West a distance of 43.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning; Thence S 89° 41' 05" East along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 108.07 feet to a point; Thence S 44° 58' 48" East a distance of 7.11 feet to a point on the Westerly existing right-of-way line of West 52nd Street; Thence N 00° 16' 25" West along the Westerly right-of-way line of West 52nd Street a distance of 18.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue; Thence N 89° 41' 05" West along the Southerly existing right-of-way line of Memphis Avenue a distance of 112.81 feet to a point; Thence S 00° 16' 25" East along the Westerly property line a distance of 13.00 feet to the true place of beginning.

It is understood that the strip of land above described is made up of two strips of land, one containing 520 S.F. and another containing 962 S.F. totaling an area of 1482 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 16

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 188 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 509.11 feet to a point; Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning; Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue a distance of 40.00 feet to a point; Thence N 00° 16' 25" W along the Easterly property line a distance of 5.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue; Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 40.00 feet to a point; Thence S 00° 16' 25" E along the westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains 200 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 32

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 3 in the Denison Realty Company's Glenbrook Allotment of part of Original Brooklyn Township Lot No. 43 as shown by the recorded plat in Volume 53 of Maps, Page 15 of Cuyahoga County Records, and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence S 89° 41' 05" E along the right-of-way centerline of Memphis Avenue a distance of 327.84 feet to a point; Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning; Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue a distance of 30.00 feet to a point; Thence S 45° 01' 35" E along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.11 feet to a point on the Westerly right-of-way line of West 47th Street; Thence N 00° 22' 05" W along the Westerly right-of-way line of West 47th Street a distance of 10.00 feet to a point on the southerly existing right-of-way line of Memphis Avenue; Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 35.00 feet to a point; Thence S 00° 22' 05" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 186 S.F., more or less according to a survey dated January 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

Parcel No. 35

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W and known as part of Sublot No. 6 in the Denison Realty Company's Glenbrook Allotment of part of Original Brooklyn Township Lot, No. 43 as shown by the recorded plat in Volume 53 of Maps, Page 15 of Cuyahoga County Records, and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence S 89° 41' 05" E along the right-of-way centerline of Memphis Avenue a distance of 479.44 feet to a point; Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning; Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue a distance of 12.37 feet to a point; Thence N 85° 40' 14" E along

the Southerly proposed right-of-way line of Memphis Avenue a distance of 24.68 feet to a point; Thence N 00° 22' 05" W along the Easterly property line a distance of 3.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue; Thence N 89° 41' 05" W along the southerly existing right-of-way line of Memphis Avenue a distance of 37.00 feet to a point; Thence S 00° 22' 05" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 160 S.F., more or less according to a survey dated January 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 47

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublots No. 289 and 290 of part of Original Brooklyn Township Lot No. 44, as shown by the recorded plat in Volume 56 of Maps, Page 38 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Northerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue, Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 105.47 feet to a point; Thence N 00° 18' 55" E a distance of 35.00 feet to a point on the Northerly proposed right-of-way line of Memphis Avenue, being the true place of beginning; Thence N 89° 41' 05" W along the Northerly proposed right-of-way line of Memphis Avenue, a distance of 80.02 feet to a point; Thence N 45° 13' 25" W along the Northerly proposed right-of-way line of Memphis Avenue a distance of 7.14 feet to a point on the Easterly existing right-of-way line of West 49th Street; Thence S 00° 45' 44" E along the Easterly existing right-of-way line of West 49th Street a distance of 10.00 feet to a point on the Northerly existing right-of-way line of Memphis Avenue; Thence S 89° 41' 05" E along the Northerly existing right-of-way line of Memphis Avenue a distance of 85.02 feet to a point; Thence N 00° 46' 35" W along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described is made up of two strips one containing 438.20 S.F., and another containing 200.35 S.F., totaling 639 S.F., more or less according to a survey dated January 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 2. That for the public purpose of widening Memphis Avenue, it is necessary to appropriate a temporary easement for public use and this Council declares its intent to appropriate a temporary easement in and to the following described property:

Parcel No. 5T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 57 in the Memphis Ridge Subdivision of part of Original Brooklyn Township Lot No. 44, as shown by the recorded plat in Volume 56 of Maps, Page 24 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Northerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found at the intersection of right-of-way centerline of Memphis Avenue and West 58th Street at Station 32 + 79.26;

Thence South 89° 41' 05" East along the right-of-way centerline of Memphis Avenue a distance of 757.60 feet to a point;

Thence North 00° 18' 55" East a distance of 43.00 feet to a point on the Northerly proposed right-of-way line of Memphis Avenue at its intersection with the Westerly line of a parcel of land conveyed to Sam & Geraldine Giurbino by deed dated July 1, 1987 and recorded in Volume 87-4409, Page 50 of Cuyahoga County Records, and being the true place of beginning;

Thence North 00° 20' 58" West along the Westerly property line a distance of 57.00 feet to a point;

Thence South 89° 41' 05" East a distance of 31.50 feet to a point on the Easterly property line of Sublot No. 57;

Thence South 00° 28' 58" East along the Easterly property line a distance of 57.00 feet to a point on the proposed right-of-way line of Memphis Avenue;

Thence North 89° 41' 05" West along the proposed right-of-way line of Memphis Avenue a distance of 31.50 feet to the true place of beginning.

It is understood that the strip of land above described contains 1795.5 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 3. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises, 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 4. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2255-02.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public use for the acquisition, clearance and redevelopment according to the Euclid/Prospect II Community Development Plan for the blighted area designated as Treatment Area Block 3, Site B.

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

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

Section 1. That for the public purpose of acquisition, clearance and redevelopment according to the Euclid/Prospect II Community Development Plan, for the blighted area designated as Treatment Area Block 3, Site B, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property:

formerly known as

P. P. No. 101-26-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 88, bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, 99 feet in width, at the Northeastly corner of land conveyed to Caius C. Cobb by deed dated September 8, 1873 and recorded in Volume 221, Page 447 of Cuyahoga County Records; thence North 79° 50' 00" East along the Southerly line of Euclid Avenue, 71.25 feet to its intersection with the Westerly line of East 3rd Street (formerly Hickox Alley), 16.5 feet in width; thence South 10° 10' 00" East along the Westerly line of East 3rd Street, 150.83 feet to the periphery of a circle forming a Westerly part of East 3rd Street as described in "An Ordinance to lay out and establish Hickox Alley" passed March 15, 1838 by the Council of City of Cleveland; thence Southwesterly along the periphery of said circle, being the arc concave Southeasterly a distance of 20.94 feet to its intersection with the Westerly line of said Original Two Acre Lot No. 88, said curved line having a radius of 16.08 feet and a chord which bears South 54° 39' 56" West a distance of 19.59 feet; thence North 34° 13' 40" West along the Westerly line of said Original Two Acre Lot No. 88, 136.64 feet to the most Southerly corner of land conveyed to Caius C. Cobb, as aforementioned; thence North 9° 52' 20" West along the Easterly line of land so conveyed to Caius C. Cobb, 37.57 feet to the place of beginning, according to survey by Garrett and Associates, Inc., made in August 10, 1973, be the same more or less, but subject to all legal highways.

In addition to the above described parcel a portion of a circle as established by an Ordinance passed March 15, 1838, part of East 3rd Street, as vacated by Ordinance No. 145-98, passed by Council of the City of Cleveland, Ohio February 9, 1998, as shown by the Vacation Plat recorded in Volume 302 of Maps,

Page 93 of Cuyahoga County Records, further known as portion "A" thereof.

P. P. No. 101-26-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 90 and 91 and bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, at the Northwesterly corner of land conveyed to Ebenezer F. Starks by deed dated September 26, 1825, and recorded in Volume E, Page 397, of Cuyahoga County Records; thence Southerly at right angles to said Southerly line of Euclid Avenue, 99 feet to the Northerly line of land conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 5828, Page 617 of Cuyahoga County Records; thence Easterly along said Northerly line of land so conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 5828, Page 617 of Cuyahoga County Records, about 49.50 feet to the Southwestly corner of land conveyed by Alva Bradley and wife to the Western and Southern Life Insurance Company by deed recorded in Volume 4810, Page 155 of Cuyahoga County Records; thence Northerly and parallel with the first described line, and along the Westerly line of land so conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 4810, Page 155 of Cuyahoga County Records, 99 feet to said Southerly line of Euclid Avenue; thence Westerly along said Southerly line of Euclid Avenue, about 49.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 101-26-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 90 and 91, and bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, at the Northwesterly corner of land conveyed to Harvey Rice, by deed dated August 28, 1833, and recorded in Volume M, Page 627 of Cuyahoga County Records; thence Westerly along said Southerly line of Euclid Avenue, about 50 feet to the Northeastly corner of land conveyed to Lewis Dibbler, by deed dated December 29, 1826, and recorded in Volume C, Page 195 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Lewis Dibbler, about 99 feet to the Northerly line of land leased to John A. Ellsler, by lease dated May 15, 1873, and recorded in Volume 4 of Leases, Page 357 of Cuyahoga County Records; thence Easterly along the Northerly line of land so leased to John A. Ellsler to the Westerly line of land conveyed to Harvey Rice, as aforesaid; thence Northerly along the Westerly line of land so conveyed to Harvey Rice, 99 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 101-26-050

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

Original Two Acre Lot Nos. 99 and 100 and bounded and described as follows:

Beginning upon the Northerly line of Prospect Street at the Southwest corner of land deeded James S. Clark to Henry H. Dodge, by deed dated April 10, 1833, and recorded in Volume P, Page 38 of Cuyahoga County Records; thence running Northerly along the Westerly line of land deeded by Henry J. Dodge as aforesaid 81-1/2 feet to the Southeast corner of land deeded to Sarah Chaloner, by deed dated April 24, 1845 and recorded in Volume 37 of Deeds, Page 65 of Cuyahoga County Records; thence Westerly along the Southerly line of said land conveyed to Sarah Chaloner as aforesaid about 28.2 feet to the Easterly line of Hickox Alley; thence Southerly along the Easterly line of Hickox Alley about 82-1/2 feet to the Northerly line of Prospect Street; thence Easterly along the Northerly line of Prospect Street about 35 feet to the place of beginning; said parcel of land having a frontage of about 35.38 feet on the Northerly side of Prospect Street, and frontage on the Easterly side of Hickox alley of about 82-1/2 feet, be the same more or less, but subject to all legal highways.

P. P. No. 101-26-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 87, 88, 99 and 100 further bounded and described as follows:

Beginning at the intersection of the Northerly line of Prospect Avenue, 82.5 feet wide with the Easterly line of East 3rd Street; thence North 19° 35' 23" West along the Easterly line of East 3rd Street, a distance of 82.50 feet to the most Westerly corner of land conveyed to Carole Andrews by deed recorded in Volume 96-8563, Page 2 of Cuyahoga County Records and the principal place of beginning of the property intended to be described:

Course No. 1: thence North 19° 35' 23" West continuing along the Easterly line of East 3rd Street, a distance of 80.33 feet to the Southeast corner of land conveyed to Ohio National Life Insurance Company;

Course No. 2: thence North 67° 13' 37" East along the Southeastery line of said Ohio National Life Insurance Company, a distance of 91.17 feet to a point in the Westerly line of land conveyed to MRN Limited Partnership by deed recorded in Volume 97-06253, Page 36 of Cuyahoga County Records;

Course No. 3: thence South 11° 43' 54" East along the Westerly line of said land conveyed to MRN Limited Partnership, distance of 96.96 feet to the Northeastery corner of land conveyed to Avram Bendoly by deed recorded in Volume 95-06908, Page 17 of Cuyahoga County Records;

Course No. 4: thence South 78° 12' 37" West along the Northwestery line of said lands conveyed to Avram Bendoly and Carole Andrews, a distance of 78.50 feet to the place of beginning and containing 0.1713 acres (7,462 square feet) of land according to the survey by McSteen and Associates, Inc. dated March 3, 2000, last revised April 13, 2000, be the same more or less, but subject to all legal highways (said land being the same as Parcel 4 as shown on the survey).

P. P. No. 101-26-062 and 101-26-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in the Map of Consolidation of part of Original Two Acre Lot Nos. 87, 88, 89, 100 and 101 as shown by the plat re-recorded in Volume 306 of Maps, Pages 26 to 32, A.F.N. 200005180943 of Cuyahoga County Records and being a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 4th Street, 40 feet wide, at the Northeastery corner of said Block "A", from which point a drill hole was found 1.00 foot Easterly;

Course No. 1: thence South 11° 49' 57" East along said Westerly line of East 4th Street, 34.43 feet to the Southeastery corner of said Block "A", from which point a drill hole was set 1.00 foot Easterly;

Course No. 2: thence South 78° 12' 48" West along the Southerly line of said Block "A", 8.00 feet to a Southwesterly corner therein;

Course No. 3: thence North 11° 49' 57" West along a Westerly line of said Block "A", 1.31 feet to an inner corner therein;

Course No. 4: thence South 63° 18' 37" West along a Southeastery line of said Block "A", 29.53 feet to an angle point therein;

Course No. 5: thence South 67° 14' 24" West along the Southeastery line of said Block "A", 91.11 feet to the most Southerly corner thereof and a point in the Easterly line of East 3rd Street, 16.50 feet wide, from which point a drill hole was found 0.50 feet Westerly;

Course No. 6: thence North 19° 34' 35" West along the Easterly line of East 3rd Street, 30.05 feet to the most Southerly corner of Parcel No.3 of land conveyed to 308 Euclid Ltd. by the deed recorded as A.F.N. 199907271267 of Cuyahoga County Records;

Course No. 7: thence North 67° 14' 24" East along the Northwestery line of land so conveyed to 308 Euclid Ltd., 103.93 feet to the Southeastery corner thereof;

Course No. 8: thence North 11° 49' 57" West along the Easterly line of land so conveyed to 308 Euclid Ltd., 8.42 feet to an inner corner of said Block "A";

Course No. 9: thence North 78° 10' 03" East along a Northerly line of said Block "A", 100.00 feet to a Northeastery corner thereof and the place of beginning and containing within said boundaries 6,519 square feet (0.1497 acres) of land according to a survey based on said Record Plat by Garrett and Associates, Inc. Engineers and Surveyors, made in November 2002 be the same more or less, but subject to all legal highways.

The intent of this legal description is to include all of the three parcels conveyed to The Ohio National Life Insurance Company by Executor's Deed dated May 16, 1955 and recorded in Volume 8284, Page 305 of Cuyahoga County Records.

P. P. No. 101-26-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 100 and 101 and bounded and described as follows:

Beginning on the West line of Sheriff Street, now known as East

4th Street, at a point 96 feet North of the Northerly line of Prospect Street, now known as Prospect Avenue, S.E.; thence Northerly along the Westerly line of Sheriff Street, now known as East 4th Street, 29 1/2 feet; thence Westerly at the right angles to Sheriff Street, now known as East 4th Street, 80 feet; thence Southerly parallel with Sheriff Street, now known as East 4th Street, 29-1/2 feet; thence Easterly 80 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2341-02.

**By Council Member Jackson.
An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3 and D3A Liquor Permit to 5353 Dolloff Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1, D2, D3 and D3A Liquor Permit from Soldat Enterprises, Inc., DBA Lefty's, 7663 Broadway Avenue, 1st Floor and Basement, Cleveland, Ohio 44105, Permanent Number 8360320 to Teri O's, Inc., 5353 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 8846576; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D1, D2, D3 and D3A Liquor Permit from Soldat Enterprises, Inc., DBA Lefty's, 7663 Broadway Avenue, 1st Floor and Basement, Cleveland, Ohio 44105, Permanent Number 8360320 to Teri O's, Inc., 5353 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 8846576, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2342-02.
By Council Member Johnson.
An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 13009 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit at Buckeye Petroleum, Inc., DBA Buckeye East Mini Mart, 13009 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1072886; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or

constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit at Buckeye Petroleum, Inc., DBA Buckeye East Mini Mart, 13009 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1072886; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2343-02.
By Council Member Jones.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 4071 Lee Road, Unit 290, 1st Floor and repealing Resolution No. 1660-02 objecting to the renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 4071 Lee Road, Unit 290, 1st Floor by Resolution No. 1660-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph T. Jones and One Stop Liquor, Inc., DBA One Stop Liquor Agency, #934, 4071 Lee Road, Unit 290, 1st Floor, Cleveland, Ohio 44128, a copy of which is in the file for

this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 4071 Lee Road, Unit 290, 1st Floor, be and the same is hereby withdrawn and Resolution No. 1660-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2344-02.
By Council Member Jones.
An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 4501-03-05 Lee Road and repealing Resolution No. 1659-02, objecting to the renewal.

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 4501-03-05 Lee Road by Resolution No. 1659-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph T. Jones and Wahdan Zayed, Inc., DBA Super One Market, 4501-03-05 Lee Road, Cleveland, Ohio 44128, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a C1, C2 and D6 Liquor Permit to 4501-03-05 Lee Road, be and the same is hereby withdrawn and Resolution No. 1659-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 25, 2002.

Effective December 3, 2002.

Res. No. 2345-02.
By Council Member O'Malley.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 5741 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit at Alimahal, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0121117; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit at Alimahal, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0121117; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 25, 2002.
 Effective December 3, 2002.

Res. No. 2346-02.
By Council Member Scott.
An emergency resolution objecting to a New C1 Liquor Permit to 9301 Yale Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Andersons Bar-b-que, Inc., 9301 Yale Avenue, Cleveland, Ohio 44108, Permanent Number 0196184; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Andersons Bar-b-que, Inc., 9301 Yale Avenue, Cleveland, Ohio 44108, Permanent Number 0196184; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 25, 2002.
 Effective December 3, 2002.

Res. No. 2347-02.
By Council Member Polensek.
An emergency resolution objecting to a New C1 Liquor Permit to 15550 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Cleveland Oil, Inc., DBA Lakeshore Citgo, 15550 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 1547556; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Cleveland Oil, Inc., DBA Lakeshore Citgo, 15550 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 1547556; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 25, 2002.
 Effective December 3, 2002.

Res. No. 2348-02.**By Council Member White.**

An emergency resolution congratulating the Ohio State University football team on its successful regular season and 14-9 victory over the Michigan Wolverines.

Whereas, the Ohio State University football team completed the regular football season with an undefeated record; and

Whereas, the Ohio State University football team defeated the Michigan Wolverines in Saturday's game by a score of 14-9; and

Whereas, the Ohio State University's 13-0 finish, entitles them to a co-Big Ten championship and the opportunity to compete in the Fiesta Bowl; and

Whereas, competition in the Fiesta Bowl enables the Ohio State University to compete for its first national championship in 34 seasons; and

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

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

Section 1. That this Council congratulates the Ohio State University football team on its successful regular season and 14-9 victory over the Michigan Wolverines.

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

Adopted November 25, 2002.

Effective December 3, 2002.

Ord. No. 903-02.**By Councilmen Coats, Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to execute a deed of easement granting to Sunrise Development Company certain easement rights in property located at 732 East 133rd Street and declaring said easement rights no longer needed for public use.

Whereas, Sunrise Development Company has requested the Director of Public Service to convey certain easement rights in property located at 732 East 133rd Street; and

Whereas, said 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:

732 East 133rd Street

Permanent Parcel No. 112-02-038

The beginning point is in the Westerly line of proposed East 133rd Street (50 feet wide) distant North 00° 08' 40" East along said line 292.60 feet from the South line of said Original Lot Number 351, which is also the South line of land conveyed by Sheldon Parks and wife to Joseph Parks by deed dated January 12, 1858, and recorded in Volume 93, Page 333 of Cuyahoga County Records. Said Westerly line of East 133rd Street is parallel with and distant North 89° 57' 30" West, along the Southerly line of proposed Eaglesmere Avenue N.E. (50 feet wide), 715 feet from the center line of East 136th Street as shown by plat of the Henry C. Wick Subdivision recorded in Volume 28, Page 16 of Cuyahoga County Map Records.

Course 1. Thence North 00° 08' 40" East along the Westerly line of said proposed East 133rd Street, 50 feet.

Course 2. Thence North 89° 57' 30" West 113.84 feet to the Westerly line of said Original Lot Number 351, being also the Easterly line of Gilbert-Coe-Shiperd Allotment recorded in Volume 5, Page 23 of Cuyahoga County Map Records.

Course 3. Thence South 00° 02' 20" West along said line, 50 feet.

Course 4. Thence South 89° 57' 30" East, 113.75 feet to the place of beginning.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be for ingress and egress to adjoining property for maintenance and security purposes.

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 easement interest to Sunrise Development Company subject to any conditions stated herein 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 perpetual; that the easement shall include reasonable right of entry rights to the City; that the easement shall not 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 Public Service 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 City. The Directors of Public Service and Law are authorized to execute such other documents, including without limitation, contracts for right of entry as may be necessary to effect the purposes of the easement.

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 November 25, 2002.

Effective December 3, 2002.

Ord. No. 1375-02.**By Council Members Sweeney, White, Cimperman and Jackson (by departmental request).**

An emergency ordinance to amend Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, relating to newspaper dispensing devices.

Whereas, there is a significant amount of pedestrian traffic in the Central Business District; and

Whereas, street furniture is present in the Central Business District to enhance beauty and function; and

Whereas, obstructions in the public sidewalks of the Central Business District may create both safety and aesthetic concerns because they may block the free flow of traffic and create a cluttered appearance; and

Whereas, individual newspaper dispensing devices are more likely than dispensing devices in groups to blow or be knocked over; and

Whereas, in order to limit those safety and aesthetic concerns in the Central Business District, newspaper dispensing devices should be grouped together; 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 Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, are amended to read, respectively, as follows:

Section 680.01 Definitions

As used in this chapter:

(a) "Crosswalk" means that part of a street at intersections which is ordinarily included within the projected prolongation of property and curb lines, or, in the absence of curbs, the edges of the traversable roadway; or any portion of a street at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the street surface.

(b) "Director" means the Director of Public Service.

(c) "Group of newspaper dispensing devices" means any two (2), three (3), four (4), five (5) or six (6) adjacent newspaper dispensing devices.

(d) "Newspaper dispensing device" means any self-service or coin-operated box, container, storage unit or dispenser installed, used, or maintained for the display, distribution and sale of newspapers, periodicals or other publications.

(e) "Owner" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a newspaper dispensing device.

(f) "Person" means any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.

(g) "Public right-of-way" means any way which has been deeded to the public or dedicated to the public use for pedestrian or vehicular travel.

(h) "Roadway" means that portion of a street intended for the use of vehicular travel.

(i) "Sidewalk" means that portion of a street between the curb line or the lateral line of the roadway, and the adjacent property lines, intended for the use of pedestrians.

(j) "Street" means the entire width between the boundary lines or every way open to the use of the public as a thoroughfare for purposes of pedestrian and vehicular travel.

(k) "Traffic Sign" means any sign placed or erected by a public body or official for the purpose of regulating, warning or guiding vehicular travel, excluding "no parking" and "no stopping" signs.

Section 680.05 Criteria for Installation, Placement and Maintenance of Newspaper Dispensing Devices

(a) Location. No newspaper dispensing device shall be installed, placed or maintained:

(1) in such manner as to rest, in whole or in part, in, on or over any portion of a roadway;

(2) in One-Family, Two-Family or Multi-Family districts of the City except in the vicinity of public bus stops and public bus shelters in accordance with the following:

A. where there is a concrete pad underlying a public bus stop which has no shelter, a newspaper dispensing device or devices may be placed within two feet (2') of that edge of the concrete pad which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "leading edge"). In the event that a bus company installs a concrete pad at a public bus stop where there is no shelter and subsequently makes application to the City to install a shelter upon that pad, any permit which has been issued for a newspaper dispensing device which is located upon that pad and which will not comply with the distance requirements contained in division (a)(2)B. of this section after installation of the shelter shall terminate upon notice from the City that the City has issued to the bus company a permit to erect a shelter;

B. where there is a concrete pad underlying a shelter at a public bus stop, a newspaper dispensing device or devices may be placed within two feet (2') of the leading edge of the concrete pad, provided that such placement will result in a clear space of five feet (5') along the entire width of the pad between the shelter and the newspaper dispensing device or devices;

C. the requirement set forth in division (a)(12) of this section shall not apply to any newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section;

D. Notwithstanding the provisions at the end of this division (a), a newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section may be placed more than thirty-six inches (36") from the curb edge of the roadway;

(3) within five feet (5') of any crosswalk; provided that in cases where there is a handicapped ramp to the street adjacent to a crosswalk, the five feet (5') required by this division shall be measured from the edge of the handicapped ramp that is furthest from the crosswalk;

(4) within five feet (5') of any fire hydrant, fire call box or police call box;

(5) within five feet (5') of any driveway;

(6) except in One-Family, Two-Family, or Multi-Family Districts:

A. where there is no bus shelter at a bus stop, within forty feet (40') back of a sign identifying a particular bus company or bus route number and marking a designated bus stop;

B. where there is a bus shelter at a bus stop, within five feet (5') forward and forty feet (40') back of the end of the shelter that is closest to the sign identifying a particular bus company or bus route number and marking a designated bus stop;

(7) within three feet (3') of any traffic sign;

(8) within three feet (3') of any public utility pole, provided further that placement adjacent to a public utility pole shall be limited to one side of the pole;

(9) within that portion of the sidewalk parallel to an area designated for handicapped parking, a taxi stand or a commercial loading or unloading zone;

(10) within ten entire width of the area that is included in the prolongation, projected to the curb or the edge of the traversable roadway, or any primary entrance of a building; provided that for purposes of this division, a "primary entrance" is a building entrance with more than one (1) multi-leafed door;

(11) within three hundred feet (300') of any other newspaper dispensing device on the same side of the street in the same block which contains the same issue or edition of the same newspaper periodical or other publication;

(12) within three feet (3') of any public area improved with lawn, flowers, shrubs, trees, tree wells or tree grates;

(13) on a manhole cover, pull box or any other area of access to underground utilities;

(14) on either side of East 6th Street between Euclid Avenue and Superior Avenue and on either side of East 9th Street between Prospect Avenue and Lakeside Avenue, where the continuous, undivided space for the passageway of pedestrians is reduced to less than twelve feet (12'), and in all other areas, where the continuous, undivided space for the passageway of pedestrians is reduced to less than six feet (6'); and

(15) in a manner that unreasonably blocks, obstructs or restricts the free passage of pedestrians in the lawful use of the sidewalk.

In the Central Business District, except as noted below, newspaper dispensing devices shall not be permitted to be located alone and shall be placed in a group of newspaper dispensing devices adjacent to each other provided that no more than six (6) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means flush against each other. If there is no group of newspaper dispensing devices within three hundred feet (300') of a proposed location for a single newspaper dispensing device, then that single device may stand alone subject to all other location restrictions. The prohibition on the location of single newspaper dispensing devices also shall not apply if the proposed sin-

gle newspaper dispensing device is on the opposite side of the street or on a different block from the group. No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices or single newspaper dispensing device. If an owner proposes a location in the Central Business District in which that owner's newspaper dispensing device would be standing alone, the Director shall notify that owner of the nearest group of dispensing devices.

Outside of the Central Business District, newspaper dispensing devices may be placed adjacent to each other provided that no more than four (4) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means flush against each other. No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices.

When a person requests the placement of a newspaper dispensing device outside of the Central Business District, the Director must send notice of such request to the councilmember of the ward in which the requested newspaper dispensing box is to be placed.

Newspaper dispensing devices shall be placed parallel to a curb, shall face away from the roadway and shall be placed no less than twenty-four inches (24") and no further than thirty-six inches (36") from the curb edge of the roadway.

(b) Installation; Removal. Newspaper dispensing devices shall be anchored to the sidewalk by a method approved by the Director of Public Service and shall not be cabled or chained or otherwise attached to any object or building except to any other newspaper dispensing devices. Upon removal of a newspaper dispensing device, the owner of such device shall be responsible for repairing any damage to the sidewalk caused by the installation or placement of such device. The extent of the repairs to the sidewalk shall be determined by the Director, provided that any such determination may be appealed to and reviewed by the Board of Zoning Appeals in accordance with the requirements contained in Section 680.06.

(c) Size; Color; Maintenance. All newspaper dispensing devices shall:

(1) not exceed fifty inches (50") in height, twenty inches (20") in width or twenty inches (20") in depth;

(2) be white in color and be of one of the two designs which have been approved and are on file with the City Planning Commission, one of which shall be a size which accommodates full sheet publications (the "full sheet device") and one of which shall be a size which accommodates tabloid publications (the "tabloid device");

(3) have a functioning coin return mechanism if a fee is charged;

(4) have affixed in a readily visible place a permit sticker and a notice setting forth the title, address and telephone number of a responsible officer or agent of the owner to contact to report a malfunction of the coin return mechanism;

(5) be maintained in a properly functioning, clean, neat and attractive condition, free of rust;

(6) not be used for advertising, signs or publicity purposes other than for the display, sale or purchase of the newspaper, periodical or publication therein; and

(7) not be stacked one on top of another.

(d) Identification Signs.

(1) The name of the publication using either the full sheet device or the tabloid device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height on the rear of the device. The letter size in this area shall not be larger than four inches (4"), the font shall be UNIVERS and the color shall be PMS 300 aka Blue Scotchlite Ink 883, or its equivalent.

(2) On the front of the full sheet device, the name of the publication using the device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height. On the front of a tabloid device, the name of the publication using the device may be displayed within an area that is twelve and one-half inches (12 1/2") in width and eleven inches (11") in height. On either the full sheet device or the tabloid device, this area shall be called the "frontal area."

(3) The frontal area of any device may be configured as a slip panel to accommodate changeable advertising related only to the publication or its noncommercial contents.

(4) No publication may display its name or any other materials on the sides of the device.

(e) Within six (6) months after the effective date of this division, the City Planning Commission shall create a special district for newspaper dispensing devices on Public Square because of the unique pedestrian and vehicular traffic patterns thereon. The Commissioner's resolution effecting the creation of such district shall specify the design or designs of newspaper dispensing devices within the district and the locations within the district upon which newspaper dispensing devices may be located, notwithstanding any other provisions of this section to the contrary. In determining the specific locations of newspaper dispensing devices within the district, the City Planning Commission shall apply standards that are no more restrictive, and may be less restrictive, than the provisions of division (a) of this section. For six (6) months after the effective date of this division, the provisions of this section shall apply to all newspaper dispensing devices on Public Square. For purposes of this division, "Public Square" means the four (4) quadrants of Public Square and the sidewalks on either side of the roadways that bound and that intersect said quadrants.

(f) (1) Notwithstanding anything to the contrary contained in division (a)(2)B., (a)(6)B., (c)(1), (c)(2) or (c)(7) of this section, newspaper dispensing devices may be installed, placed, and maintained directly adjacent to and flush against that side of a public bus shelter which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "downstream side"); provided, however, that if more than one owner desires to install a device at any one public bus shelter, only

multiple-dispensing-device modular units may be installed, placed, and maintained at such location. No modular unit shall be installed unless and until the City Planning Commission has approved the design thereof. Where more than one newspaper dispensing device is located in the vicinity of the downstream side of a public bus shelter as of January 1, 1991, said devices may be moved adjacent to the downstream side of the shelter until such time as the City Planning Commission approves the design of a modular unit for that location. Owners installing modular units shall be responsible for their maintenance and shall purchase such units on terms and conditions upon which said owners mutually agree. Newspaper dispensing devices or modular units installed and maintained directly adjacent to the downstream side or public bus shelters may be placed so that the front of the device is perpendicular to or at an angle to the roadway; so long as such device or modular unit is placed adjacent to the downstream side of the shelter.

(2) If a bus company presents to the City Planning Commission a bus shelter design which incorporates newspaper dispensing devices or a modular frame therefor into the bus shelter, and if the City Planning Commission approves said design, the following shall not apply to any newspaper dispensing device which is incorporated into any such bus shelter or inserted into any such modular frame, provided that the bus shelter is installed pursuant to a permit duly issued by the City:

A. the weight requirements contained in division (d)(2) of Section 680.03;

B. the distance requirements contained in divisions (a)(2)B., (a)(6)B., and (a)(12) of this section; and

C. the design requirements contained in divisions (c)(1), (c)(2), and (c)(7) of this section.

(g) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(2)A. of (a)(2)B. of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter in a One-, Two-, or Multi-Family District as of January 1, 1991, and if said device would otherwise not be permitted to remain at such location because the concrete pad is of insufficient size to accommodate the placement of such device in accordance with the provisions of divisions (a)(2)A. or (a)(2)B. of this section, said device may remain at the location it occupied as of January 1, 1991 until such time as the concrete pad underlying such public stop or public bus shelter is extended by the bus company and the pad is of sufficient size to accommodate the placement of such device. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently

to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section. In the event that the owner installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms and conditions upon which the owner and the public bus company mutually agree;

provided that the Directors of Public Service and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said Directors mutually agree.

(h) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(6) or (a)(12) of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter outside of the Central Business District as of January 1, 1991, and if such device would otherwise not be permitted to remain in the vicinity because a relocation of said device in order to comply with the distance requirements of this section would result in the placement of said device at a prohibited location, said device may remain at the location it occupied as of January 1, 1991. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section. In the event that the owners installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property

underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms conditions upon which the owners and the public bus company mutually agree; provided that the Directors of Public Service and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said Directors mutually agree.

(i) Notwithstanding anything to the contrary contained in division (a)(6)A. or (a)(8) of this section, any newspaper dispensing device that is in place at a public bus stop and at least six inches (6") forward of a bus company sign which is located on a utility pole as of January 1, 1991, but that would not be permitted to remain at such location because of the requirements of division (a)(8) of this section, may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section; and, other than on Euclid Avenue, any newspaper dispensing device that is in place more than eight feet (8') back of a bus company sign at a public bus stop as of January 1, 1991 may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section.

Section 2. That the provisions of this ordinance requiring that the newspaper dispensing devices be white in color and prohibiting identification signs on the sides and permitting them on the rear shall be effective six months after the passage of this ordinance.

Section 3. That existing Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, are repealed.

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 1389-02.
By Council Member O'Malley.
An emergency ordinance to amend Section 358.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, relating to fence regulations.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That Section 358.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, is hereby amended to read as follows:

Section 358.02 Definitions

For purposes of this chapter, these terms shall have the following meaning:

(a) "Fence." An artificially constructed barrier of any material or materials erected to enclose, screen, or decorate areas of land. Fences include walls, conifer trees, hedges and earth berms meeting this definition.

(b) "Fence Height." The height of a fence, as defined herein, measured from grade at the base of the fence.

(c) "Open and Solid Fences." A fence shall be considered "open" if every segment of the fence (e.g., a section between posts) is composed of at least seventy-five percent (75%) open spaces and no more than twenty-five percent (25%) solid materials. All other fences are considered "solid" fences.

(d) "Ornamental Fence." A fence shall be considered "ornamental" if it is composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, or any other materials of a decorative nature approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed.

(e) "Yards." As used in this chapter, the term "actual yard" shall refer to the entire lot area between a main building and the corresponding lot line. The term "required yard" shall refer to that portion of the actual yard in which structures cannot be erected unless permitted as encroachments.

Section 2. That existing Section 358.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, 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 November 25, 2002.
Effective December 3, 2002.

Ord. No. 1530-02.
By Council Members Reed, Scott, Conwell, Cimperman, Zone, Dolan, Sweeney, Johnson, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Public Service, Parks, Recreation and Properties, or Economic Development to apply for and accept grants from the Federal Highway Administration for public infrastructure improvements to various areas and to accept gifts and donations from public and private

entities; authorizing the director to employ one or more consultants to provide professional services needed to design the improvements; determining the method of making the public improvement of making the improvements; authorizing the director to enter into contract for the making of these improvements; and to enter into a Local Project Administration agreement with the Ohio Department of Transportation.

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

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

Section 1. That the Directors of Public Service, Parks, Recreation and Properties and Economic Development, as appropriate, are each authorized to apply for and accept grants in the total aggregate amount of \$6,137,883, from the Federal Highway Administration as administered by the State of Ohio and any gifts from individuals, organizations and corporations, for the purposes of making the following public infrastructure improvements:

1. Improvements to streetscape along Kinsman Road from East 130th Street to the corporation line;
2. Improvements to streetscape along Detroit Avenue from West 58th Street to West 75th Street;
3. Improvements to streetscape in Kamms Corners along Lorain Avenue from West 165th Street to Old Lorain Road;
4. Rehabilitation of pedestrian plaza on the southwest corner of Mayfield Road and Euclid Avenue;
5. Historic renovation of the West 3rd Street round house;
6. Improvements to the intersection at Wade Oval Drive and East Boulevard and the intersection at East Boulevard, Ford Drive and Juniper Drive;
7. Construction of the Wheeling and Lake Erie bikeway project within the Slavic Village Urban Trail Network;
8. Implementation of a Citywide bike rack and bench program; and
9. Construction of a pedestrian and bicycle plaza at the intersection of East 9th Street and Huron Road, for the purposes set forth in the applications and according thereto; that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes set forth in the applications for the grants.

Section 2. That the applications for the grants, File No. 1530-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

Section 3. That the Directors of Public Service, Parks, Recreation and Properties and Economic Development, as appropriate, are each authorized to employ by contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvements.

The selection of the consultant or consultants for the services shall be made by the Board of Control upon

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

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of implementing the projects described in Section 1 of this ordinance, for the Departments of Public Service, Parks, Recreation and Properties and Economic Development, as appropriate, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvements.

Section 5. That the Directors of Public Service, Parks, Recreation and Properties, and Economic Development, as appropriate, are each authorized to enter into one or more contracts for the making of each of the above public improvements 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 the 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 the appropriate director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That each of the Directors of Public Service, Parks, Recreation and Properties and Economic Development are authorized to accept gifts and donations from public or private entities to be used for the costs associated with the public improvements described in Section 1 and that any gifts and donations are so appropriated.

Section 7. That the cost of the services and improvements authorized shall be paid from the proceeds of the grants accepted by this ordinance, from the sale of future general obligation bonds which are authorized for these purposes, from gifts accepted pursuant to this ordinance from individuals, organizations and corporations designated for one or more of these purposes, and from Fund Nos. 10 SF 166 and 10 SF 526.

Section 8. That the Director of Public Service, when appropriate, is authorized to enter into a Local Project Administration ("LPA") agreement, with the Ohio Department of Transportation to make public infrastructure improvements and to enter into one or more contracts for the expenditure of said grants and other funding for engineering and construction for the making of the public improvements with the lowest responsible bidder or engineer.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

Passed November 25, 2002.
Effective December 3, 2002.

**Ord. No. 1535-02.
By Mayor Campbell, Council Members White and Reed.**

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into an agreement with the Cleveland Municipal School District providing for the exchange of real property.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleveland with the Cleveland Municipal School District providing for an exchange of real property, including transfer of fee title to the Cleveland Municipal School District of the following described property:

Permanent Parcel No. 137-20-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 69, 103, 104 and 140 and all of Sublot Nos. 41 through 68, 83 through 102 and 120 through 139 in the Corlett and Revere Land Company's Subdivision of part of Original One Hundred Acre Lot No. 460 as shown by the recorded Plat in Volume 59 of Maps, Page 14 of Cuyahoga County Records, and all of Sublot Nos. 13 through 32 and parts of Sublot Nos. 1, 2, 3 and 33 in the Guarantee Allotment Company's Subdivision of part of Original One Hundred Acre Lot No. 460 as shown by the recorded Plat in Volume 44 of Maps, Page 25 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly side of East 116th Street (120 feet wide), now known as Martin Luther King Drive, at the Northwesterly corner of Sublot No. 41;

Thence Southerly along the Easterly side of Martin Luther King Drive to a point in the Southerly line of Sublot No. 3 in the Guarantee Allotment Company's Subdivision, said point also being on the Northerly side of Angelus Avenue (40 feet wide) distant Westerly 67.28 feet from the Southerly corner of said Sublot No. 3;

Thence Easterly along the Northerly side of Angelus Avenue to a point distant 29 feet Easterly from the Southwesterly corner of Sublot No. 33, said point also being in the Westerly line of East 120th Street;

Thence Northerly along said East 120th Street to a point in the Southerly line of Corlett Avenue

which is also the Northerly line of Sublot No. 69 in the Corlette and Revere Land Company's Subdivision aforesaid, said point being distant 30 feet Easterly from the Northwesterly corner of Sublot No. 69;

Thence Westerly along the Southerly line of Corlett Avenue to the Northwesterly corner of Sublot No. 41 and the place of beginning, be the same more or less, but subject to all legal highways. Included in above legal description is a portion of Revere Avenue, S.E. (50 feet wide) now vacated by the City of Cleveland and a portion of "Revere Square" now vacated by the City of Cleveland.

Section 2. That the agreement shall also provide that the Cleveland Municipal School District shall do either or both of the following: (1) transfer fee title to comparable property; (2) give the City credit toward its In-Kind Services Limits. The total value of property transferred by the School District and/or In-Kind Services Limits credit provided to the City shall not exceed the actual costs the City incurred with respect to the John Adams Site. If the Cleveland Municipal School District transfers fee title to comparable property to the City of Cleveland, that property may be determined in the future, and must be accepted by the Board of Control. This property shall be identified no later than December 31, 2005 and transferred no later than December 31, 2010. If the Cleveland Municipal School District gives the City credit toward its In-Kind Services Limits described in the Agreement between the City and the Cleveland Municipal School District of February 17, 1994 for the City's costs for the John Adams High School site, that credit shall be given no later than December 31, 2005. The costs may include, but are not limited to, acquisition, demolition, asbestos abatement, environmental remediation and site maintenance costs, which costs total approximately \$958,772.00.

Section 3. That the agreement authorized shall be prepared by the Director of Law and shall contain such terms and conditions as he shall deem necessary or appropriate to protect the interests of the City of Cleveland.

Section 4. That the conveyance referred to in Section 1 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 provisions necessary to protect the parties and their respective interests, including restrictive covenants deemed necessary by the Directors of Community Development and Law, and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 5. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to transfer such properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of such properties.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 1726-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with SATRAJ, Ltd. to provide for a ten year sixty percent abatement for certain real property improvements, personal property and inventory as an incentive to acquire and redevelop the property located at Block H, Parcel B of the Cleveland Industrial Park, 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 the area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, SATRAJ, Ltd. (the "Enterprise") has proposed to acquire and redevelop the property located at Block H, Parcel B of the Cleveland Industrial Park, located in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that, but for abatement of certain real property improvements, personal property and inventory 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 approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise 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 autho-

rized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year sixty percent (60%) abatement for certain real property improvements, personal property and inventory as an incentive to acquire and redevelop the property located at Block H, Parcel B of the Cleveland Industrial Park, located in the Cleveland Area Enterprise Zone; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms set forth in the Summary contained in File No. 1726-02-A. The terms of the file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes set forth in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions as the director deems necessary to protect the City's interest.

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 1727-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block H, Parcel B of the Cleveland Industrial Park to SATRAJ, Ltd.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located in Block H, Parcel B of the Cleveland Industrial Park; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described

property is no longer needed for public use:

**PARCEL B
3.0252 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "H" in the Lee-Seville/Cleveland Outerbelt Industrial Park (Vol. 231, Pg. 42) of part of Original Warrensville Township Lots Nos. 81, 82, and 103 and bounded and described as follows:

Beginning at a Monument Box with a 3/4" iron pin found at a Point of Curvature in the centerline of Johnston Parkway (60 feet wide), said Monument Box being South 00°-27'-00" East a distance of 399.21 feet from a Monument Box with a Stone found at the intersection of the centerlines of Velma Avenue (50 feet wide) and said Johnston Parkway;

Thence South 89°-33'-00" West a distance of 30.00 feet to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence North 00°-27'-00" West along the Westerly right-of-way line of Johnston Parkway a distance of 33.39 feet to a 5/8" capped rebar set, which marks the true place of beginning for the following described parcel of land:

Thence South 89°-33'-00" West a distance of 374.91 feet to a 5/8" capped rebar set in the Easterly line of lands now or formerly owned by N.B. Smith (AFN# 199904210602) and also the Easterly line of Sublot No. 6 in the Cranbrook Subdivision No. 1 (Vol. 155, Pg. 1);

Thence North 01°-23'-30" West along the Easterly line of Smith and the Easterly line of said Cranbrook Subdivision No. 1, a distance of 220.94 feet to a capped rebar found at a Northeasterly corner of lands now or formerly owned by W. Tilgham (Vol. 13617, Pg. 149) and in the Easterly line of Sublot No. 2;

Thence North 49°-42'-48" West along the Easterly line of said Tilgham and along the Easterly line of said Sublot No. 2 a distance of 45.96 feet to a capped rebar found at the Southeast corner of land now or formerly owned by C. Starks Jr. (Vol. 136, Pg. 257) and at the Southeast corner of Sublot No. 1;

Thence North 00°-27'-30" West along the Easterly line of Starks and the Easterly line of Sublot No. 1 a distance of 90.00 feet to a 5/8" iron pin found at the Northeast corner of said Starks and in the Southerly right-of-way line of Velma Avenue (50 feet wide);

Thence North 89°-32'-30" East along the Southerly right-of-way line of Velma Avenue a distance of 363.36 feet to a 5/8" capped rebar set at a point of curvature;

Thence along the arc of a curve deflecting to the right, having a radius of 50.00 feet, an arc length 78.55 feet, a chord bearing of South 45°-27'-30" East and a chord of 70.72 feet, to a 5/8" capped rebar set in the Westerly right-of-way line of Johnston Parkway;

Thence South 00°-27'-00" East along the Westerly right-of-way line of Johnston Parkway a distance of 290.96 feet to the true place of beginning, containing 3.0252 acres of

land, more or less, but subject to all legal highways and easements of record, as surveyed by Daniel J. Cook, Registered Surveyor No. 7179, of Campbell & Associates Inc. in December 1999.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to SAT-RAJ, Ltd. at a price not less than fair market value as determined by the Board of Control.

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

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 November 25, 2002.
Effective December 3, 2002.

Ord. No. 1730-02.

By Council Member Cimperman.
An ordinance to change the zoning of properties west of West 20th Street and north of Abbey Avenue. (Map Change No. 2057, Sheet No. 1)
Be it ordained by the Council of the City of Cleveland:

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

Beginning on the centerline of West 20th Street at its intersection with the centerline of Abbey Avenue; thence northerly along the centerline of West 20th Street to its intersection with the centerline of the vacated Smith Court; thence westerly along the centerline of the vacated Smith Court to its intersection with the centerline of West 21st Place; thence southerly along the centerline of West 21st Place to its intersection with the centerline of Abbey Avenue; thence easterly along the centerline of Abbey Avenue to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2057, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the City Planning.

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

Passed November 25, 2002.
Effective January 4, 2003.

Ord. No. 1848-02.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Quimby Avenue to Oriana House, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-20-035, as more fully described below, to Oriana House, Inc.

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

P. P. No. 104-20-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 8 of Maps, Page 24 of Cuyahoga County Records, bounded and described as follows:

Commencing at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide, at the Northeast corner of Sublot No. 10. Thence Southerly along the Easterly line of Sublot No. 10, 111.85 feet to a point and the principal place of beginning. Thence Southerly along the Easterly line of Sublot No. 10, 88.13 feet to a point being the Southeast corner of Sublot No. 10 and the Northerly line of Belvidere Avenue, N.E. Thence Westerly along the Southerly line of Sublot No. 10 being the Northerly line of Belvidere Avenue 49.99 feet to a point being the Southwest corner of Sublot No. 10. Thence Northerly along the Westerly line of Sublot No. 10, 88.14 feet to a point. Thence Easterly parallel with the Southerly line of Quimby Avenue 49.99 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1019, Page 508 of Cuyahoga County Records.

Subject to right of way 10 feet wide (the center line of which is the dividing line between Sublot Nos. 10 and 11) recorded in Volume 997, Page 493 of Cuyahoga County Records.

Common easements recorded in Volume 7092, Page 273 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

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

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

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

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 1888-02.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to replace the surface on the Kinsman Road Bridge over the Norfolk & Southern and CSX Railroad tracks.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements in accordance with the plans, specifications and estimates approved by the Director of Transportation: The replacement of the surface on the Kinsman Road Bridge over the Norfolk & Southern and CSX Railroad tracks (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the Director of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on

the City for such Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the Director of Transportation not be to eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into such agreements with the Director of Transportation as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the Director of Transportation and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

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

b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

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

d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 38-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the State.

e) That the construction, reconstruction and rearrangement of all utilities shall be done in such a

manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

g) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid Manual are met.

h) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

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

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

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

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 1925-02.
By Council Members Sweeney, White and Jackson (by departmental request).

An emergency ordinance to amend Section 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76, passed June 29, 1976, relating to truck zones.

Whereas, this ordinance constitutes an emergency measure providing for 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 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, is hereby amended to read as follows:

Section 451.20 Truck Zones

(a) No person shall stop, stand or park any vehicle other than a commercial car in any place marked as a truck zone during the hours when such zone is reserved for loading purposes.

(b) No person shall stop, stand or park a commercial car for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck zone during the hours when the provisions applicable to truck zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

(c) No person shall stop, stand or park any vehicle for any purpose or length of time other than for the expeditious unloading of materials or pickup and loading of materials in any place where there is a physically recessed area from the street provided for the purpose of such unloading and delivery of pickup and loading of materials, and which area has been posted for loading and unloading. In no case shall the stop for loading and unloading exceed thirty minutes.

(d) Notwithstanding any provision of this Code to the contrary, building service vehicles, while being used for building service business, may stop, stand or park in any place marked as a truck zone during hours when the provisions applicable to truck zones are in effect or in any place where there is a physically recessed area from the street specifically posted for unloading and delivery or pickup and loading of materials, for a maximum period of two hours. As used in this section "building service" refers to entities that are servicing a building and its systems, such as plumbing, electrical, heating, air conditioning, telecommunications systems, kitchen equipment, or other similar building components.

Section 2. That Section 451.20 of the Codified Ordinances of Cleveland, Ohio, 1976, 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 November 25, 2002.

Effective December 3, 2002.

Ord. No. 1977-02.
By Council Member Cintron.
An emergency ordinance to vacate a portion of West 37th Place hereinafter described.

Whereas, on the day of June 12, 1995, the Council of the City of Cleveland adopted Resolution No. 705-95 declaring its intention to vacate a portion of West 37th Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 705-95 has been served upon the owners of all the property abutting West 37th Place affected by said Resolution, notifying the said property owners

of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of West 37th Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 37th Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of West 37th Place (10 feet wide) extending Southerly from a point 70 feet South of Chatham Avenue S.W. (50.00 feet wide) to the Westerly prolongation of the Northerly line of Elvira Court S.W. (10.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Cleveland Public Power equipment.

The description of the easement is as follows:

That portion of West 37th Place (10 feet wide) extending Southerly from a point 70 feet South of Chatham Avenue S.W. (50.00 feet wide) to the Westerly prolongation of the Northerly line of Elvira Court S.W. (10.00 feet wide).

That no structures shall be hereinafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by Cleveland Public Power of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 37th Place, herein provided by sending him a copy of this Ordinance.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 1979-02.

By Council Member Rybka.

An emergency ordinance to vacate a portion of East 73rd Place hereinafter described.

Whereas, on the day of November 27, 2000, the Council of the City of Cleveland adopted Resolution No.

1605-00 declaring its intention to vacate a portion of East 73rd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1605-00 has been served upon the owners of all the property abutting East 73rd Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of East 73rd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 73rd Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of East 73rd Place situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of East 73rd Place (40.00 feet wide) extending Southerly from the Southerly line of Aetna Road S.E. (40.00 feet wide) to its Southerly Terminus, be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Dominion East Ohio Gas and SBC Ameritech equipment.

The description of the easement is as follows:

That portion of East 73rd Place (40.00 feet wide), extending Southerly from the Southerly line of Aetna Road S.E. (40.00 feet wide) to its Southerly terminus.

That no structures shall be hereinafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, and SBC Ameritech.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 73rd Place, herein provided by sending him a copy of this Ordinance.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 1983-02.

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

An emergency ordinance authorizing the Directors of Aging and Consumer Affairs to apply for and accept a grant from the Bruening Foundation for educational workshops on predatory lending for senior citizens; and to enter into one or more contracts with various consultants to implement the project.

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

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

Section 1. That the Directors of Aging and Consumer Affairs are authorized to apply for and accept a grant in the approximate amount of \$55,000, from Bruening Foundation, to conduct educational workshops on predatory lending for senior citizens, for the purposes set forth in the summary and according thereto; that the Directors of Aging and Consumer Affairs are authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 1983-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

Section 3. That the Directors of Aging and Consumer Affairs are authorized to enter into one or more contracts with various consultants to coordinate, plan and present workshops in conjunction with the project.

Section 4. That the costs for the services shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and which are appropriated for this purpose.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2027-02.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Cleveland Clinic Foundation for improvements to the northeast corner of East 93rd Street and Chester Avenue.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and

Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Cleveland Clinic Foundation to landscape and maintain the property identified as Permanent Parcel No. 119-08-060 which is located at the northeast corner of East 93rd Street and Chester Avenue. The Cleveland Clinic Foundation may make landscaped and/or parking related improvements to the adopted property which will be used for the Cleveland Clinic Foundation's proposed kindercare project. The Cleveland Clinic Foundation shall maintain the adopted property during the term of the property adoption.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any landscaped and/or parking related improvements and maintenance made to the adopted property.

Section 4. That the property adoption agreement authorized shall be prepared by the Director of Law and shall contain any additional terms and conditions necessary to protect and benefit the public interest.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2115-02.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood Avenue to Famicos Foundation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 104-18-028 as more fully described below, to Famicos Foundation.

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. 104-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 in Medway N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-18-030 as more fully described below to Famicos Foundation.

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

P. P. No. 104-18-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) at the Northwest corner of said Sublot No. 21; thence Easterly along the Southerly line of said Linwood Avenue, N.E., a distance of 40.0 feet to the Northeast corner of Sublot No. 21; thence Southerly along the Easterly line of said Sublot No. 21, a distance of 155.0 feet to the Southeast thereof; thence Westerly along the Southerly line of Sublot No. 21, a distance of 40.0 feet to the Southwest corner thereof; thence Northerly along the Westerly line of said Sublot No. 21; a distance of 155.00 feet to the place of beginning.

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. 104-18-033 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-18-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in the Midway N.C. Waters Plat and survey of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue)

and extending back between parallel lines 155 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 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. 104-18-034 as more fully described, to Famicos Foundation.

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

P. P. No. 104-18-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Medway N.C. Water's Guardian of Frank E. and Cora E. Waters, Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Subdivision, in Volume 7 of Maps, Page 13 of the Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-18-035 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-18-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) at the Northwest corner of said Sublot No. 11; thence Easterly along the Southerly line of said Linwood Avenue, N.E., a distance of 40.0 feet to the Northeast corner of Sublot No. 11; thence Southerly along the Easterly line of said Sublot No. 11, a distance of 155.00 feet to the Southeast corner thereof; thence Westerly along the Southerly line of Sublot No. 11, a distance of 40.00 feet to the Southwest corner thereof; thence Northerly along the Westerly line of said Sublot No. 11, a distance of 155.00 feet to the place of beginning.

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. 104-18-037 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-18-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 5 and 7 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) at a point distant Westerly 31.0 feet from the Northeast corner of said Sublot No. 5; thence Easterly along the Southerly line of said Linwood Avenue, N.E., a distance of 55.5 feet to a point; thence Southerly parallel with the Easterly line of said Sublot No. 5, a distance of 155.0 feet to a point on the Southerly line of said Sublot No. 7; thence Westerly along the Southerly line of Sublot Nos. 7 and 5, a distance of 55.5 feet to a point; thence Northerly parallel with the Easterly line of said Sublot No. 5, a distance of 155.0 feet to the place of beginning.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-18-047 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-18-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Sweesy, et al., Re-Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Northerly side of Linwood Avenue, N.E., extending back of equal width about 142.73 feet 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. 104-18-049 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-18-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in L.B. Sweesy Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of Re-Subdivision in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Northerly side of Linwood Avenue, N.E., (formerly Lena Avenue) and extending back of equal width 142.72 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-18-049 as more fully described below, to Famicos Foundation.

ances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-049 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in Medweay N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width 155 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-051 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) at the Northwest corner of said Sublot No. 31; thence Easterly along the Southerly line of said Linwood Avenue, N.E., a distance of 40.00 feet to the Northeast corner of Sublot No. 31; thence Southerly along the Easterly line of said Sublot No. 31, a distance of 155.00 feet to the Southeast corner thereof; thence Westerly along the Southerly line of Sublot No. 31, a distance of 40.00 feet to the Southwest corner thereof; thence Northerly along the Westerly line of said Sublot No. 31, a distance of 155.00 feet to the place of beginning.

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. 104-19-054 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in Medweay N.C. Waters' (Guardian of Frank E. and Cora E. Waters) Subdivision of part of Original One Hundred Acre Lot No. 340,

as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue), and extending back of equal width 155 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-058 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Southerly side of Linwood Avenue, N.E., and extending back of equal width, 155 feet deep be the same more or less, but subject to all legal highways.

(a) Subject Easement

Subject Easement for Common driveway from Louis Gorsetman Bella to Sarah Smith aka Sarah Smith Butler, dated September 21, 1950, filed for record November 17, 1950 at 2:56 p.m., and recorded in Volume 7095, Page 458 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No.

104-19-059 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in M.N.C. Waters Sublot No. of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) at the Northwest corner of said Sublot No. 47; thence Easterly, along the Southerly line of said Linwood Avenue, N.E., a distance of 40.00 feet to the Northeast corner of Sublot No. 47; thence Southerly, along the Easterly line of said Sublot No. 47, a distance of 155.00 feet to the Southeast corner thereof; thence Westerly, along the Southerly line of said Sublot No. 47, a distance of 40.00 feet to the Southwest corner thereof; thence Northerly, along the Westerly line of Sublot No. 47, a distance of 155.00 feet to the 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. 104-19-060 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in M.N.C. Waters Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Linwood Avenue, N.E., (55 feet wide) Northwest corner of said Sublot No. 49; thence Easterly, along the Southerly line of said Linwood Avenue, N.E., a distance of 40.00 feet to the Northeast corner of Sublot No. 49; thence Southerly, along the Easterly line of said Sublot No. 49; a distance of 155.00 feet to the Southeast corner thereof; thence Westerly, along the Southerly line of said Sublot No. 49, a distance of 40.00 feet to the Southwest corner thereof; thence Northerly, along the Westerly line of said Sublot No. 49, a distance of 155.00 feet to the place of beginning, 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. 104-19-65 as more fully described below, to Famicos Foundation.

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

P. P. No. 104-19-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 63 in Medway N.C. Waters Allotment of part of Original One Hundred Acre Lot No. 340., as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Lena Avenue) and extending back between parallel lines 155 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 31. 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 re-

pealed and shall be of no further force or effect.

Section 32. 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 33. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 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 November 25, 2002.
Effective December 3, 2002.

Ord. No. 2183-02.

**By Council Member Brady.
An emergency ordinance designating Louis Agassiz Elementary School as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Louis Agassiz Elementary School as a landmark; and

Whereas, a public hearing pursuant to Chapter 161.04 (b)(2) was held on October 24, 2002 to discuss the proposed designation of Louis Agassiz Elementary School as a landmark; and

Whereas, the Commission has recommended designation of Louis Agassiz Elementary School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Louis Agassiz Elementary School, whose street address in the City of Cleveland is 3595 Bosworth Road, S.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 019-06-060, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development,

heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 November 25, 2002.
Effective December 3, 2002.

Ord. No. 2184-02.

**By Council Member Cimperman.
An emergency ordinance designating The Gospel Press Building as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Gospel Press Building as a landmark; and

Whereas, the owner of the Gospel Press Building has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

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

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

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

Section 1. That the Gospel Press Building, whose street address in the City of Cleveland is 2372 West 7th Street, S.W., also known as 710 Jefferson Avenue, S.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 004-16-034, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 November 25, 2002.
Effective December 3, 2002.

Ord. No. 2225-02.**By Council Member Jackson (by departmental request).****An emergency ordinance authorizing 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 to pay as Moral Claims the sums set forth opposite the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
William McBride	11324	\$ 1,000.09	Water Pollution Control	54 SF 001
Mary Higbee	11354	\$ 2,000.00	Water Pollution Control	54 SF 001
J. Michael Lance	11355	\$ 775.00	Water Pollution Control	54 SF 001
William Mueller	11391	\$ 1,736.67	Water Pollution Control	54 SF 001
Mike Fila	11450	\$ 737.08	Water Pollution Control	54 SF 001
Rysar Properties	11339	\$ 2,000.00	Water	52 SF 001
ABB Power T&D Co.	11462	\$56,702.00	Cleveland Public Power	58 SF 001
Kelvin Martin	11375	\$ 121.00	Police	01-600202-672000
Robert May	11377	\$ 500.00	Police	01-600202-672000
Darlene Clippys	11401	\$ 782.01	Police	01-600202-672000
Laura Bradley	11443	\$ 2,375.00	Police	01-600202-672000
Gregory Rodes	11459	\$ 294.68	EMS	01-600402-672000
Judy Lynch	11380	\$ 500.00	Fire	01-600302-672000
Rosalind V. Hampton	11386	\$ 500.00	Fire	01-600302-672000
Michael Shay	11421	\$ 500.00	Fire	01-600302-672000
Francis R. Neel	11423	\$ 500.00	Fire	01-600302-672000
Maricruz Osorio	11418	\$ 500.00	Park Maintenance	01-701205-672000
Gloria Cole	11426	\$ 200.00	Park Maintenance	01-701205-672000
Judy Horak	11438	\$ 177.34	Park Maintenance	01-701205-672000
Victor Tall	11179	\$ 454.75	Park Maintenance (Cemeteries)	62 SF 001
Barbara Stamps	11372	\$ 1,191.55	Park Maintenance (Cemeteries)	62 SF 001
Cheryl Turner	11373	\$ 850.65	Park Maintenance (Cemeteries)	62 SF 001
Ruby Bartkas	11396	\$ 508.25	Park Maintenance (Cemeteries)	62 SF 001
Mary Dean	11398	\$ 233.70	Park Maintenance (Cemeteries)	62 SF 001
Chaquita Welch	11399	\$ 936.25	Park Maintenance (Cemeteries)	62 SF 001
Eleanore Gerlach	11406	\$ 540.00	Park Maintenance (Cemeteries)	62 SF 001
Joan Ezell	11415	\$ 701.73	Park Maintenance (Cemeteries)	62 SF 001
Lola Kyser	11441	\$ 160.00	Park Maintenance (Cemeteries)	62 SF 001
Bonnie Gilchrist	11413	\$ 1,196.69	Park Maintenance (Cemeteries)	62 SF 001
Rosella Gressler	11429	\$ 600.00	Park Maintenance (Cemeteries)	62 SF 001
Obesid Fuller II	11328	\$ 500.00	Park Maintenance (Urban Forestry)	01-701204-672000
Eveready Printing	11407	\$ 725.00	Park Maintenance (Urban Forestry)	01-701204-672000
Anthony Sanchez	11436	\$ 500.00	Park Maintenance (Urban Forestry)	01-701204-672000
Eileen Shepard	11368	\$ 27.56	Waste Collection	01-400303-672000
Gordon Hathaway	11370	\$ 13.99	Waste Collection	01-400303-672000
Ricky Melton	11389	\$ 500.00	Waste Collection	01-400303-672000
Wilma Braxton-McMillan	11394	\$ 229.09	Waste Collection	01-400303-672000
Jason Sloan	11395	\$ 216.01	Waste Collection	01-400303-672000
Daniel Liggins	11444	\$ 39.00	Waste Collection	01-400303-672000
Mitchell Paul	11451	\$ 1,000.00	Waste Collection	01-400303-672000
Walter Scharf	11414	\$ 2,000.00	Streets	11 SF 401

Section 2. That the Director of Finance is authorized to pay the amounts in this ordinance to claimants that provide a City-approved written acceptance of the City's offer to pay their claim within six months from the effective date of this ordinance.**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 2238-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept grant funds from the Cuyahoga County Board of Health for the Cuyahoga County Public Health Collaborative program; and to enter into contracts as necessary to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept grant funds from the Cuyahoga County Board of Health in the approximate amount of \$200,000, and any other funds as they become available during the grant term, to conduct the Cuyahoga County Public Health Collaborative program, for the purposes of preparing for and responding to a biological-related emergency as set forth in the executive summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 2238-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2239-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$751,774, and

any other funds as they become available during the grant term, to conduct the Federal AIDS Prevention Program, for the purposes set forth in the executive summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 2239-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program as described in the summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance with the following agencies, in the following amounts:

AIDS Taskforce of Greater Cleveland	\$160,000
BlackOut Unlimited	\$ 49,500
Cleveland Treatment Center	\$193,500
Free Clinic of Greater Cleveland	\$ 40,000
HUMADAOP	\$ 55,500
Northeast Ohio Neighborhood Health Services	\$ 51,000
Recovery Resources	\$ 20,500
GLBTQ Youth Program	\$ 30,000
Regional Advisory Group Support	\$ 10,000

In addition, the sum of not more than \$75,892 is appropriated to the Department of Public Health for administrative costs of implementing this program and the sum of not more than \$65,882 is appropriated for the operation of the Disease Intervention Specialist Services Program conducted by the Department.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2240-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators located at various health centers, including inspections, for the Division of Health, Department of Public Health, 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 Public Health is authorized to make one or more written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain and repair elevators located at various health centers, including inspections, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Health, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts 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 108693)

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2241-02.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance to amend Section 141.39 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 382-01, passed May 21, 2001, relating to employment of licensed medical professionals.

Whereas, this ordinance constitutes an emergency measure providing for 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 141.39 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 382-01, passed May 21, 2001, is amended to read as follows:

Section 141.39 Employment of Licensed Medical Professionals

The Director of Public Health is authorized to contract for professional services of licensed medical professionals as may be necessary for the administration and operation of the Department of Public Health, the clinics and other facilities under the jurisdiction of the Department of Public Health. All such contracts shall require the medical professionals to indemnify the City and provide insurance coverage acceptable to the Director of Public Health and Director of Law.

Section 2. That existing Section 141.39 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 382-01, passed May 21, 2001, is repealed.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2246-02.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire title to certain property in the Euclid/Prospect II Community Development Area and to reconvey title to such property to Lower Euclid Avenue LLC to effectuate the public purpose of the Euclid/Prospect II Community Development Plan and the Lower Euclid Avenue Commercial and Residential District (the "Project"); and authorizing the execution of various contracts, certifications, and other documents related thereto.

Whereas, the Euclid/Prospect II Community Development Plan, approved and adopted by the Council of the City of Cleveland by Ordinance No. 870-2000 passed May 14, 2001 (the "Plan"), contemplates certain rehabilitation and/or redevelopment activities in the Euclid/Prospect II Community Development Plan Area (the "Area") in accordance with the Plan; and

Whereas, Lower Euclid Avenue LLC, an Ohio limited liability company, has submitted a proposal for the rehabilitation and redevelopment of the properties within the Area known as the Lower Euclid Avenue Commercial and Residential District, which proposed redevelopment provides the best use and best carries out the intent of the Plan; and

Whereas, the acquisition, conveyance and redevelopment of the Lower Euclid Avenue Commercial and Residential District has been determined to be a satisfactory and desirable method for the implementation of the Plan; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that the authorization of

agreements with Lower Euclid Avenue LLC is necessary so that steps can be undertaken immediately to implement the Plan; now, therefore,

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

Section 1. That the proposal of Lower Euclid Avenue LLC (hereinafter, the "Redeveloper") for the acquisition, conveyance, and redevelopment of the properties commonly known as the Lower Euclid Avenue Commercial and Residential District in the Euclid/Prospect II Community Development Plan Area is hereby approved.

Section 2. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Project as more fully described in File No. 2246-02-A, and to subsequently reconvey title to such property to the Redeveloper to comply with the requirements of Section 5709.41(B)(1) of the Ohio Revised Code, for consideration as determined by the Board of Control. The Mayor and Commissioner of Purchases and Supplies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

Section 3. That the agreements authorized pursuant to this Ordinance shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary or appropriate to protect the City's interest.

Section 4. That the Mayor, the Directors of Law, Finance, and Economic Development are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the agreements authorized in this Ordinance.

Section 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

Passed November 25, 2002.

Effective December 3, 2002.

Ord. No. 2337-02.

By Council Member Jackson.
An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1569-02, passed August 14, 2002, authorizing the Clerk of Council to enter into contract without competitive bidding with Dell Computer Corporation for the purchase of Dell computers.

Whereas, this ordinance constitutes an emergency measure providing for 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 of Ordinance No. 1569-02, passed August 14, 2002, is hereby amended to read as follows:

An emergency ordinance authorizing the Clerk of Council to enter into one or more contracts without competitive bidding with Dell Computer Corporation for the purchase of Dell computers and Dell servers.

Section 2. That Section 1 of Ordinance No. 1569-02, passed August 14, 2002, is hereby amended to read as follows:

Section 1. That it is hereby determined that the within purchases are non-competitive and cannot be secured from any other source other than Dell Computer Corporation. Therefore, the Clerk of Council is hereby authorized to enter into one or more contracts with Dell Computer Corporation for the purchase of computers and associated equipment and servers from Dell Computer Corporation.

Section 3. That Section 2 of Ordinance No. 1569-02, passed August 14, 2002, is hereby amended to read as follows:

Section 2. That the cost of said contracts shall not exceed \$100,000.00 and shall be paid from Fund No. 01 SF 001 and/or Fund No. 11 SF 006.

Section 4. That the existing title, Section 1, and Section 2 of Ordinance No. 1569-02, passed August 14, 2002, are hereby repealed.

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 November 25, 2002.

Effective December 3, 2002.

Ord. No. 2338-02.

By Council Member Scott.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Beech Brook Family Center for the Community Parenting Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Beech Brook Family Center effective from September 1, 2002 to June 30, 2003 for the Community Parenting Program for the public purpose of providing parenting support and education for families residing in the City of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$23,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 2339-02.
By Council Member Sweeney.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Bellaire-Puritas Development Corporation for providing a down payment assistance program in order to carry out the public purpose of providing affordable housing through the use of Ward 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is autho-

rized to enter into a grant agreement with Bellaire-Puritas Development Corporation for providing a down payment assistance program in order to carry out the public purpose of providing affordable housing through the use of Ward 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 25, 2002.
Effective December 3, 2002.

Ord. No. 2340-02.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with West Tech LP for the West Tech High School Housing Renovation Project through the use of Ward 18 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with West Tech LP for the West Tech High School Housing Renovation Project for the public purpose of providing rental housing units to City of Cleveland residents through the use of Ward 18 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 25, 2002.
Effective December 3, 2002.

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