

The City Record

Official Publication of the Council of the City of Cleveland



April the Fourteenth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell
Debra M. Janik, Chief of Staff
Darnell Brown, Executive Assistant
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

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

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

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

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

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

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director
Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Dennis Donahue, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF PLUMBERS – Joseph 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 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS		
Judge	Courtroom	
Presiding and Administrative Judge Larry A. Jones		14B
Judge Ronald B. Adrine		15A
Judge Emanuella Groves		13A
Judge Mabel M. Jasper		14D
Judge Kathleen Ann Keough		13D
Judge Mary Eileen Kilbane		14C
Judge Anita Laster Mays		12C
Judge Lauren C. Moore		12B
Judge Raymond L. Pianka (Housing Court Judge)		13B
Judge Angela R. Stokes		15C
Judge Pauline H. Tarver		12A
Judge Robert J. Trozzi		14A
Judge Joseph J. Zone		13C

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, APRIL 14, 2004

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CITY COUNCIL

MONDAY, APRIL 12, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 7, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 7, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Absent: Directors Sims and Fumich.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 187-04.

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Coleman Professional Services, d.b.a. Sage Computer Services for an estimated quantity of keypunch services, for the Division of Taxation, Department of Finance, for a period of one year beginning with the date of execution of a contract, received on the 24th day of November 2003, pursuant to the authority of Ordinance Nos. 892-03 and 2303-03, passed June 2, 2003 and November 11, 2003, which on the basis of the estimated quantity would amount to One Hundred Thirteen Thousand, Four Hundred Ninety-Four and 96/100 Dollars (\$113,494.96), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26953 which shall be certified against such contract in the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 188-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cook Paving & Construction Co., Inc. for an estimated quantity of labor and materials necessary to install or repair under-

ground miscellaneous duct line and street lighting bases and pull boxes, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 18th day of February 2004, pursuant to the authority of Ordinance No. 2225-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to One Million Four Hundred Thirty Seven Thousand Eight Hundred Eighty and no/100 Dollars (\$1,437,880.00) (2%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131288 which shall be certified against such contract in the sum of Two Hundred Thousand and no/100 Dollars (\$200,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cook Paving & Construction Co., Inc. for labor and materials necessary to install or repair underground miscellaneous duct line and street lighting bases and pull boxes for the above-mentioned requirement contract is hereby approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
McTech Corp.	\$115,700.00 (MBE) (8.05%)
Genley Transfer	\$100,000.00 (MBE) (6.95%)
L. V. Surveying	\$5,000.00 (FBE) (.35%)
Interstate Safety	\$25,000.00 (FBE) (1.74%)
Collinwood Shale, Brick	\$42,000.00 (FBE) (2.92%)

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 189-04.

By Director Konicek.
Be it resolved by Board of Control of the City of Cleveland that the bid of of Perfecturf, Inc. for an estimated quantity of landscape maintenance at various water works facilities Baldwin/Fairmount/Kirtland Water Works (all items), Crown Water Works (all items), Garrett Morgan Water Works (all

items), Nottingham Water Works (all items), Parma Heights/North Royalton Water Facilities (all items), Tower Facilities (all items), Secondary Station Sites (all items), Mindszenty Plaza/Public Utilities Building (items M1-M9 and M11-M44), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 26th day of November, 2003, pursuant to the authority of Ordinance No. 1153-03, passed August 13, 2003, which on the basis of the estimated quantity would amount to Five Hundred Seventy Two Thousand Nine Hundred Twenty Nine Dollars and 50 Cents (\$572,929.50) (1% 10, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 147907 which shall be certified against such contract in the sum of One Hundred Twenty Thousand Dollars (\$120,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perfecturf, Inc. for the contract authorized is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Caver Brothers, Inc. (MBE)	14.98% \$85,831.58

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 190-04.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Precision Maintenance Inc. for an estimated quantity of landscape maintenance at Harvard Service Center (items H1-H9 and H11-H42) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 26th day of November, 2003, pursuant to the authority of Ordinance No. 1153-03, passed August 13, 2003, which on the basis of the estimated quantity would amount to Fifty Thousand Four Hundred Fifty Six Dollars and 82/100 Cents (\$50,456.82), is affirmed and approved as the low-

est and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 147901 which shall be certified against such contract in the sum of Thirty Thousand Dollars (\$30,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Precision Maintenance Inc. for the contract authorized is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Caver Brothers, Inc. (MBE)	15.00% \$7,567.41
Ohio Diversified Services, Inc. (FBE)	5.00% \$2,523.14

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 191-04.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Aaron Landscaping for an estimated quantity of landscape maintenance at Front Street Pump Station/Kirby Avenue headquarters (all items) for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 26th day of November, 2003, pursuant to the authority of Ordinance No. 1153-03, passed August 13, 2003, which on the basis of the estimated quantity would amount to Forty Five Thousand One Hundred Seventy Four and 00/100 Dollars (\$45,174.00) (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 137440 which shall be certified against such contract in the sum of Thirty Five Thousand Dollars (\$35,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said esti-

mated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Aaron Landscaping for the contract authorized is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u>	<u>WORK</u>
Wake Forest Company (MBE)	17.38 % \$7,852.55	
True Green	10.06 % \$4,544.50	
Advanced Industries	1.56 % \$704.71	

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 192-04.

By Director Konicek.
Be it resolved, by Board of Control of the City of Cleveland that all bids received on November 26, 2003 for an estimated quantity of landscape maintenance at Mindszenty Plaza/Public Utilities Building (item M10) and Harvard Service Center (item H10), for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance #1153-03, passed by the Council of the City of Cleveland on August 13, 2003, are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 193-04.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of JCI Jones Chemicals, Inc. for an estimated quantity of sodium hypochlorite solution (all items) for use in the treatment of water for a municipal supply for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 12th day of March, 2004, pursuant to the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Four Hundred Twelve Thousand Seven Hundred and 00/100 Dollars (\$412,700.00) (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities,

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

Requisition No. 147904 which shall be certified against such contract in the sum of One Hundred Thousand Dollars (\$100,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 194-04.

By Director Mok.
Whereas, pursuant to the authority of Ordinance No. 234-03, passed by the Council of the City of Cleveland on May 12, 2003, and Board of Control Resolution No. 584-03, adopted on October 1, 2003, this Board affirmed and approved URS Corporation ("Consultant") as the firm most qualified to provide professional services necessary to assist the City of Cleveland, Department of Port Control ("DPC"), to comply with selected portions of the Findings & Orders ("Orders") issued by the Director of the Ohio Environmental Protection Agency ("OEPA") relative to the applicable sections of the storm water collection system at Cleveland Hopkins International Airport ("CHIA").

Whereas, Board of Control Resolution No. 584-03, incorrectly identified subconsultant Water Resources & Coastal Engineering, Inc., as a Minority Business Enterprise ("MBE") firm; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 584-03, adopted October 1, 2003, is amended by changing the identification of subconsultant Water Resources & Coastal Engineering, Inc. from a Minority Business Enterprise ("MBE") firm to a Female Business Enterprise ("FBE") firm.

Be it further resolved that all other provisions of said Resolution No. 584-03 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 195-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authorization of Ordinance No. 1242-95, passed by Cleveland City Council on March 4, 1996, the Commissioner of Purchas-

es and Supplies is hereby directed to sell certain City-owned real property no longer needed for public use, north of Cleveland Hopkins International Airport and more fully described in Council File No. 1242-95-A, consisting of a parcel containing 0.1321 acres (Parcel A), a parcel containing 0.1448 acres (Parcel B) and a parcel containing 0.0332 acres (Parcel C) to Cleveland Business Park, Ltd. The consideration to be paid for Parcel A is fixed at Fourteen Thousand Four Hundred and 00/100 Dollars (\$14,400.00), the consideration to be paid for Parcel B is fixed at Fifteen Thousand Eight Hundred and 00/100 Dollars (\$15,800.00) and the consideration to be paid for Parcel C is fixed at Three Thousand Six Hundred and 00/100 Dollars (\$3,600.00), which amounts are determined to be not less than fair market value when taking into account all restrictions and encumbrances placed by the City in the deed of conveyance. The quitclaim deed to Cleveland Business Park, Ltd. shall contain such terms and conditions as the Directors of Economic Development, Law and Port Control deem necessary and appropriate to protect and benefit the interests of the City of Cleveland.

Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petrus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.
Absent: Directors Sims and Fumich.

Resolution No. 196-04.

By Director Ricchiuto.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction, Inc., for the public improvement of the HVAC rooftop units and fire alarm system at the House of Corrections, base bid, including alternate 1, for the Department of Public Service, received on January 16, 2004, pursuant to the authority of Ordinance No. 838-02, passed June 10, 2002, for a gross price for the improvement in the aggregate amount of Four Hundred Ninety Six Thousand Three Hundred and no/100 Dollars (\$496,300.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction, Inc., are hereby approved:

- Peadrock Mechanical (MBE) \$31,855 (6.42%)
- Building Technicians Corporation \$104,000 (21%)
- Inland Electric \$38,000 (7.7%)

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 197-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Boise Cascade Corporation for an estimated quantity of furniture for various recreation centers, all items, for the Division of Recreation, Department of Parks, Recreation, and Properties for the period of one (1) year beginning with the date of execution of a contract, received on February 12, 2004, pursuant to the authority of Ordinance No. 1264-03, passed July 16, 2003, which on the basis of the estimated quantity would amount to Sixty-Five Thousand Eight Hundred Thirty-Eight and 15/100 Dollars (\$65,838.15), is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation, and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 115286

which shall be certified against such contract in the sum of Three Thousand Three Hundred and 00/100 Dollars (\$3,300).

Said requirement contract shall further provide that the contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Boise Cascade Corporation is approved:

Integrated Business Supplies
(FBE) \$3,135.15 (4.76%)

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 198-04.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 004-06-060 and 004-06-061 under said Land Reutilization Program; and

Whereas, Ordinance No. 1934-03 passed December 1, 2003, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Klein-Barrabas LLC has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1934-03 passed December 1, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Klein-Barrabas LLC for the sale and development of Permanent Parcel Nos. 004-06-060 and 004-06-061, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$5,000.00, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 199-04.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-23-044 under said Land Reutilization Program; and

Whereas, Ordinance No. 1712-03 passed December 1, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Billy Stuart has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1712-03 passed December 1, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Billy Stuart for the sale and development of Permanent Parcel No. 105-23-044, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ric-

chiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 200-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-02-050 located at West 18th Street in Ward 13; and

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

Whereas, Rosemary M. Vinci, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Rosemary M. Vinci for the sale and development of Permanent Parcel No. 004-02-050 located at West 18th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Richiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 201-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 008-04-072 located at West 12th Street in Ward 13; and

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

Whereas, Ricky Aldridge, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Ricky Aldridge, Jr. for the sale and development of Permanent Parcel No. 008-04-072 located at West 12th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

Resolution No. 202-04.

By Director Ricchiuto.

Whereas, Sections 411.011, 503.01, and 507.06 of the Codified Ordinances of Cleveland, Ohio 1976, respectively authorize the Board of Control from time to time to establish and fix schedules of fees to be charged for street obstruction permits, street opening permits and sidewalk obstruction permits; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland under the authority of Sections 411.011, 503.01 and 507.06 of the Codified Ordinances of Cleveland, Ohio 1976, respectively, that the fees for street obstruction permits, street

opening permits and sidewalk obstruction permits are established and fixed as follows:

Thirty (30) Day Street Obstruction Permit: Twenty and No/100 Dollars (\$20.00);

Fifteen (15) Day Street Opening Permit: One Hundred Thirty and No/100 Dollars (\$130.00) for the first 200 square feet and Twenty Five and No/100 Dollars (\$25.00) for each additional 200 square feet;

Thirty (30) Day Street Opening Permit: One Hundred Eighty and No/100 Dollars (\$180.00) for the first 200 square feet and Twenty Five and No/100 Dollars (\$25.00) for each additional 200 square feet;

Installation of an asphalt cap on a street opened by either a public or private permittee, the charge shall be: Twenty and No/100 Dollars (\$20.00) per square foot with a minimum of Four Hundred and No/100 Dollars (\$400.00) and Two and No/100 Dollars (\$2.00) per square foot, for each additional square foot over Twenty (20) square feet;

Thirty (30) Day Sidewalk Obstruction Permit: Twenty and No/100 Dollars (\$20.00).

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Petus, Director Ronayne, Acting Director Resseger, Directors Routen, Taylor and Williams.

Nays: None.

Absent: Directors Sims and Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 26, 2004

9:30 A.M.

Calendar No. 04-74: 15712 Kipling Avenue (Ward 11)

The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty d.b.a. Hope East Academy, prospective tenant, appeal to erect a 64' x 192' one-story, 12,288 s/f modular classroom building to the south of an existing school building situated on an approximate 250' x 614' irregular shaped parcel in a Two-Family District on the southwesterly side of Kipling Avenue at 15712 Kipling Avenue; subject to Section 337.03 for Two-Family Districts, the expansion of a school and accessory uses are by reference regulated in a One-Family District and require the Board of Zoning Appeals review and approval as stated in Section 337.02(f)(3)(A) of the Codified Ordinances.

Calendar No. 04-75: 2118 Broadview Road (Ward 15)

Hikmat and Jan Dakdouk, owners, appeal under Section 329.02(d) from a Violation Notice issued March 26, 2004 by the Building and Housing Department for unauthorized use under Section 327.02(C), where there shall be no change or substitution in use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued; the unauthorized use being subject to the Enforcement and Penalty provisions of Section 327.99 of the Codified Ordinances.

Calendar No. 04-76: 12913 Bennington Avenue (Ward 20)

The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty d.b.a. Hope West Academy, prospective tenant, appeal to erect a 64' x 71' one-story, 4,512 s/f modular classroom building to the east of an existing school building, situated on an acreage parcel in a Single Family District on the south side of Bennington Avenue at 12913 Bennington Avenue; where the expansion of a school and parking as an accessory use must be 30' away from the property line in a One-Family District and require the Board of Zoning Appeals review and approval as stated in Section 337.02(f)(3)(A) of the Codified Ordinances.

Calendar No. 04-77: 2141 West 47th Street (Ward 17)

Steven Englehart, owner, appeals to demolish an existing nonconforming, front portion and rebuild in its place a 21' x 24' two-story, frame addition to an existing two-story dwelling on a 40' x 125' parcel in a Two-Family District on the southeast corner of West 47th Street and Frontage Road at 2141 West 47th Street; contrary to Section 357.04(a) of the Yards and Courts Requirements, a front setback line of 17' is provided, and the requirement is an equivalent of 15% of the 125' lot depth, or an 18.75' front set-

back line; and subject to the provisions for Nonconforming Uses, the existing line of dwellings on the street is 22' and a Board of Zoning Appeals approval is required for the existing nonconforming building as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-79: 15100 Lakeshore Boulevard (Ward 11)
St. Jerome School c/o Reverend Thomas Haren, owner, and Pat Schuerger, agent, appeal to install a 5' x 6' double face, free-standing, internally illuminated bulletin board sign, mounted between two brick columns, in the front of an existing three-story school building situated on an acreage parcel in a Multi-Family District on the south side of Lakeshore Boulevard at 15100 Lakeshore Boulevard; contrary to the required distance from the front lot line of the property, the sign proposed is a 10' distance and a bulletin board sign must be at least 25' from all lot lines as stated in Section 350.13(b) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 12, 2004

At the meeting of the Board of Zoning Appeals on Monday, April 12, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

None.

The following appeals were **Denied:**

Calendar No. 04-61: 11614 Madison Avenue
CPT Investment LLC c/o Don Ponicky, appealed to expand the use of a two-story, masonry stores and suites building by adding a tattoo store in a Semi-Industry District.

Calendar No. 04-63: 18216 Canterbury Road
Sean Rozell appealed to change two dwelling units to be three dwelling units in a One-Family District.

The following appeals were **Postponed:**

Calendar No. 04-59: 5718 Bridge Avenue postponed to May 3, 2004.

Calendar No. 04-62: 9515 Woodland Avenue postponed to May 3, 2004.

On Monday, April 12, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, April 5, 2004, and said decisions were approved and adopted in Executive Session on Monday, April 12, 2004:

The following appeals were **Approved:**

Calendar No. 04-60: 3885 Rocky River Drive
Westside Medical Center LLC, owner, and Fifth Third Bank, prospective purchaser, appealed to erect a 4,116 s/f one-story bank building with drive through lanes and an accessory parking lot in a Local Retail Business District.

Calendar No. 04-42: 1406-20 East 49th Street
Ohio Diesel Technical Institute appealed to erect 150 l/f of 6' high chain link fence and a 14' gate along the front of a 150' x 141' vacant parcel in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 04-56: 5016 Duke Avenue
Alex Gordon appealed from being denied an Application for a Street Opening Permit by the Director of Public Service on March 3, 2004 to allow removal of pavement and create a curb cut.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 7, 2004

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

* * *

Docket A-39-02.

RE: Appeal of Basma A. Hamid, Owner of the Proposed Day Care Center located on the premises known as 4801 Clark Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 06, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for variance and to require a sprinkler system and a qualified second means of egress, noting that the children have the potential of staying until midnight, which creates sleeping conditions that warrant additional protection; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-134-03.

RE: Appeal of Male House I. LLC, Owner of the Two & One-half Story Frame Mixed Use Property located

on the premises known as 6031 St. Clair Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated October 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order dated October 28, 2003 was proper and should continue to be enforced; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-4-04.

RE: Appeal of Bobby Cunningham, Owner of the One Story Masonry Commercial Parts Property located on the premises known as 2980 East 81st Street from a 30 DAY FIRE DAMAGE REPAIR — MAIN STRUCTURE/ELECTRICAL/PLUMBING of the Director of the Department of Building and Housing, dated November 24, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time, and to REMAND the property at 2980 East 81st Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-11-04.

RE: Appeal of Derick M. Byrd C/O AV Remodeling, Inc., Owner of the Two & One-half Story Residential Property located on the premises known as 9617 Thorn Avenue from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated January 20, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required and to accept the roof as not being per manufacturer's recommendations on the unheated porch roof only, with the stipulation that a five (5) year warranty be extended to the owner by the contractor and that the owner's consent by a signature on a letter indicating that he is aware of the conditions. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-13-04.

RE: Appeal of West Shore Realty, Inc., Owner of the Two & One-half Story Masonry Six Dwelling Units and Four Stores Property located on

the premises known as 11201 St. Clair Avenue (aka 11201-11 St. Clair Avenue) from a 30 DAY VACATE ORDER/30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated January 21, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-13-04 has been POSTPONED; to be rescheduled for May 05, 2004.

* * *

Docket A-14-04.

RE: Appeal of Henry Thomas, Owner of the Property located on the premises known as 8136 Superior Avenue from a VIOLATION NOTICE — FIRE CODE (abandoned underground storage tanks) of the Chief of the Division of Fire, dated January 5, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled in sixty (60) days (June 02, 2004).

* * *

Docket A-15-04.

RE: Appeal of Marvin Chernin, Owner of the Two & One-half Story Masonry Twenty-seven Dwelling Unit Property located on the premises known as 2899 Hampton Road from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated February 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time and to require that the Appellant provide access to the structural areas and to the other areas requiring inspection, and to require Appellant to obtain the required permits for all the repair work; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-17-04.

RE: Appeal of Charles Christopher Real Estate, LLC C/O Chris Lieb, Owner of the Two Story Brick Bar & Restaurant Property located on the premises known as 2572 Scranton Road from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated January 30, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain permits within thirty (30) days and to complete abatement of all the violations on the property within ninety (90)

days, noting that the Certificate of Occupancy, which is an abeyance, will remain in abeyance for this time; and that the business may continue to act without the Certificate of Occupancy until the City deems that the completion is satisfactory; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

* * *

APPROVAL OF RESOLUTIONS:

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

- A-6-04—State Industrial Products Corp.
- A-26-04—Landmark Mgt., Ltd.

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

* * *

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

- A-125-03—West Shore Realty, Inc.

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

* * *

APPROVAL OF MINUTES:

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

March 24, 2004

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

* * *

Secretary

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

RULES AND REGULATIONS OF THE CITY OF CLEVELAND MUNICIPAL CEMETERIES

Revised - March 2004

Main Office
Highland Park Cemetery
21400 Chagrin Blvd
Cleveland, OH 44122

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CITY OF CLEVELAND CEMETERY DIRECTORY

Main Office: Highland Park Cemetery Mausoleum & Crematory, 21400 Chagrin Blvd., Cleveland, OH 44122.
(216) 348-7210 — Office
(216) 348-7209 — Fax.

Name	Address	Telephone
Highland Park	21400 Chagrin Road	(216) 348-7210
West Park	3942 Ridge Road	(216) 348-7216
Erie	2254 East 9th Street	(216) 348-7216
Brookmere	3645 Broadview	(216) 348-7216
Alger	16710 Bradgate	(216) 348-7216
Scranton	Corner of Wade & Scranton	(216) 348-7216
Dennison	2300 Ellen Alley (off West 25th St.)	(216) 348-7216
Monroe	3207 Monroe Avenue	(216) 348-7216
Woodland	6901 Woodland Avenue	(216) 348-7216
Harvard Grove	6100 Lansing	(216) 348-7216
Cleveland Memorial Gardens	4324 Green Road	(216) 348-7210
Memorial Park (Potters Field)	Green Road	(216) 348-7210

DEFINITIONS

1. The term cemetery, as used in these regulations, is all land owned by, or under the supervision and control of the City of Cleveland, devoted exclusively to the interment of deceased persons, and all land hereafter acquired by the City of Cleveland for such purpose.

2. The term plot or grave shall apply to a space of sufficient size to accommodate one interment.

3. The term lot shall apply to more than one adjoining graves.

4. The term interment shall mean the permanent disposition of the remains of a deceased person by entombment, burial or inurnments.

5. The term cremation is the disposition of a deceased body by incineration.

6. The term memorial shall include a monument, marker tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, or facing on a crypt or niche.

7. The term monument shall include a memorial of granite which extends above the surface of the ground and larger than the standard headstone.

8. The term headstone shall mean any memorial set six inches or more above ground level.

9. The term marker shall mean a memorial set flush with ground marking individual graves.

10. The term corner post means a marble, granite, terra cotta, or aluminum post, set level with the ground and used by the cemetery to locate corners of a lot.

11. The term certificate of purchase shall apply to the original certificate given by the cemetery to the original purchaser.

RULES AND REGULATIONS

For the mutual protection of lot owners and the cemeteries, the Division of Parks Maintenance and Properties has adopted the following Rules and Regulations. These Rules and Regulations to apply to all owners and visitors to the cemeteries. Further that these rules and regulations may be amended and altered by the Division of Park Maintenance and Properties with conditions prevailing from time to time.

GENERAL RULES

The Cemetery offices will be open from 8:00 a.m. until 4:00 p.m. Tuesday - Saturday, closed on Sundays, Mondays and Holidays. The offices will be open on Memorial Day.

The management will take all reasonable precaution to protect lot owners and the property rights of lot owners, within the cemetery, from loss or damage; but the cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from damage caused by the elements, and act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosion, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or indirect, other than herein provided.

1. Motor cars and vehicles must be kept under control at all times (speed limit 10 mph).

When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor cars must not be left with the engine running, and the emergency brake must be set when the driver is not in his seat.

Mufflers must not be opened nor horns sounded except in extreme emergency.

2. Parking or leaving any motor or vehicle on any road or driveway within the cemetery at such locations or in such positions as to prevent any other car or vehicle from passing is prohibited. If so parked or left, the Manager will be forced to have the same removed.

3. Making a complete or partial reverse turn of any motor car or vehicle on any road or driveway within the cemetery is forbidden.

4. No bicycles or motorcycles will be admitted in the cemetery except those that may be in attendance at funerals or on visitation.

5. Peddling or soliciting the sale of any commodity within the cemetery or the placing of signs or notices or advertisement of any kind within the cemetery is forbidden.

6. Bringing dogs into the cemetery or any of its building is forbidden with the exception of visual aid dogs, or the bringing of firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services are forbidden.

7. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring trees, shrubs, or plants, or from writing upon, defacing or injuring any memorials, or other structures within the cemetery grounds.

8. Employees of the cemetery are not expected to work on Sundays, Mondays or Holidays except when absolutely necessary in the preservation of order, and as specified in the Rules and Regulations.

9. Employees of the cemetery are not permitted to do any work for lot owners except upon orders from the Superintendent, but are required to be civil and courteous to all visitors.

10. All fees or charges for services are payable at the cemetery office as herein stated and patrons of the cemetery are requested not to pay any fee or gratuity to any employee.

11. Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by the proper persons to take care of them.

12. It is of utmost importance that there should be strict observance of the properties in the cemetery. Hence all persons within the cemetery should avoid conduct unbecoming a sacred place.

13. All visitors to the cemetery should avoid loud and boisterous talking, idling or loafing on the grounds or in any of the buildings, bringing food or refreshments into the cemetery or consuming them on the grounds.

14. The right to enlarge, reduce, replot or change boundaries or grading of the cemetery, or section of sections from time to time, including the right to modify or change the drives or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters, or sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes including interment of the dead, or

for anything necessary, incidental or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress over plots for the purpose of passing to and from other plots.

INTERMENTS

1. The cemetery will be open for interments Tuesday-Saturday with the exception of Martin Luther King Day, Presidents Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas and New Year's Day.

2. Interments and disinterments, in addition to being subject to these Rules and Regulations, shall also be subject to the laws, ordinances or requirements, of the State of Ohio, County of Cuyahoga, and the City of Cleveland.

3. The right is reserved by the Cemetery to insist upon at least twenty-four hours notice prior to any interment and at least one weeks notice prior to any disinterment or removal.

4. All interments, disinterments, and removals must be made at such time, and in the manner, and upon the charges fixed by the Cemetery.

5. All charges for interments or services in connection therewith, shall be paid in the cemetery office where a receipt will be issued.

6. Interments on purchased lots shall be permitted only with the consent of the lot owner, or the person authorized (as may appear on record at the cemetery office) or heirs.

7. Every adult interment shall be made in an outer container or vault of either stone, steel or concrete.

8. When instructions regarding the location of a grave on a lot cannot be obtained or are indefinite, or for any reason the grave or graves cannot be opened where specified, the cemetery may open such location on the lot as deemed best and proper, so as not to delay the funeral.

9. In the event a grave is opened adjacent to an adjoining lot and it has been impractical to protect the adjacent graves from damage the cemetery disclaims responsibility for such damage.

10. The cemetery will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave and location in a lot where interment is desired.

11. The cemetery will not be liable for the interment permit. Nor for the identity of the person sought to be interred.

12. Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the local health office.

13. Drivers of motor cars or vehicles hired to attend a funeral must remain quietly in their seats during the funeral service, unless they are performing some duty in connection with the service.

14. The cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any inter-

ment property, either by canceling such conveyance and substituting any conveying in lieu thereof of other interment property of equal value and similar location as far as possible, or as may be selected by the supervisor or in the sole discretion of the supervision. In the event such error shall involve the interment of the remains of any person in such property, the cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

15. The interment of more than one body in one grave shall not be permitted except in the case of a mother and infant or two children in a casket. Or in instances where approval is granted by Manager.

16. Interment services shall be arranged so as to be completed and out of the cemetery by 2:45 p.m. otherwise a charge will be assessed.

17. All interments in family lots shall be restricted to members of the family and relatives of the lot owner. If the application is for interment of others than immediate family of the lot owner, a notarized permission in writing from the lot owner or from heirs must be presented.

18. The surviving spouse of the original lot owner has prior right of one burial space in the lot. The right may be forfeited at any time. Otherwise it will terminate upon burial or upon marriage. The burial rights in the remainder of the lot descend from the interstate owner in the following order:

- (a) To the children of the owner.
- (b) If none of the children of the owner are alive, then the grandchildren of the original owner.
- (c) If no children or grandchildren, then the father or the mother or both of the original owner.
- (d) If no one of the above is living, then the living brothers or sisters of the original owner.

19. Each qualified heir shares equally and jointly in the burial rights while vacant graves remain in the lot. Any qualified heir can release his rights at anytime. However, he cannot assign or transfer his rights to any one individual but to the other qualified heirs jointly.

20. When all graves are occupied, the surviving heirs lose their rights.

21. No lot owner shall release, transfer or assign any lot or interest or right of burial therein for a valuable consideration unless they are made through the Office of the Commissioner.

22. All funerals on entering the cemetery shall be under the control and charge of the cemetery personnel.

CARE OF LOTS

The general care of the cemetery is assumed by the management and includes the cutting of grass, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the cemetery. This care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery, including work caused

by the impoverishment of soil; nor does it mean the reconstruction of any marble or granite work on any lot, or any portion thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers explosions, unavoidable accidents, invasion, insurrection, riots, or by the order of any military or civil authority, whether the damage be direct or indirect, other than as herein provided.

1. Cut flowers may be placed on the grave at anytime.

2. Potted plants are allowed on the graves on Easter, Mother's Day, Memorial Day, Father's Day, 4th of July, Labor Day and Thanksgiving and Christmas, but not to remain on the grave more than seven days. After this period of time they will be removed and the cemetery will not be responsible for them.

3. Christmas wreaths will be allowed to remain on the graves until February 15th.

4. There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission from the Manager.

5. There shall be no glass jars, or metal receptacles, or other containers used on the lots for holding of floral bouquets; All such form of decoration shall be in uniform containers as permitted by the cemetery.

6. The supervision shall have the authority to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind from the cemetery as soon, as in the judgement of the supervision, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.

7. The cemetery shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.

8. The cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the cemetery gives its consent.

9. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited.

10. The placing of boxes, shells, toys, metal designs, ornaments, chairs, ettees, vases and similar articles upon lots will not be permitted, and if so placed, the cemetery reserves the right to remove them.

MEMORIALS

In the interest of all lot owners, and the appearance of the cemetery in general, these rules are to protect both the lot owner and the cemetery.

1. So that all memorials shall be in good taste, it is necessary that the cemetery management retain authority to reject any plan or design for memorials, which on account of size, design, material or inscription, is unsuitable to the lot on which it is placed.

2. To avoid errors, a sketch showing design, description, and inscription giving dimensions must be submitted for approval.

3. The cemetery will not be liable for any inscription work or the placing of memorials by contractors who have not first obtained permission and exact locations from the cemetery office. Further, the cemetery will not be liable for any damage done by contractors in the execution of their work.

4. Should any memorial become unsightly, dilapidated, or a menace to visitors, the cemetery shall have the right to remove it.

SUPERVISION

It is the duty of the supervisor to see that the Rules and Regulations are obeyed, and it is his/her duty to see that order is maintained and to promote the best interest of the cemetery. To that end he/she is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.

The personnel in the cemetery division are here to help you. When you have a question or a problem, please come to, or call the office.

Natalie Ronayne, Director
Department of Parks, Recreation
and Properties

April 14, 2004

**DEPARTMENT OF PARKS,
RECREATION AND
PROPERTIES**

**AMENDMENT TO RULES AND
REGULATIONS OF THE
DIRECTOR OF PARKS,
RECREATION AND PROPERTIES**

Under the authority vested in the Director of Parks, Recreation and Properties ("Director") by the Council of the City of Cleveland ("City") under Section 133.03 of the Codified Ordinances of the City of Cleveland, the Director amends the Rules and Regulations for the Use of Public Property ("Rules"), as published in the May 19, 1993 City Record and as amended in the June 20, 2001, July 4, 2001, and August 21, 2002, City Records, as follows:

1. Section 4.1 is amended in its entirety to read as follows:

"4.1 Camping is prohibited in all Facilities, except for Ambler Park."

This amendment shall take effect and shall be in force ten days after being published in the City Record.

Natalie Ronayne, Director
Department of Parks, Recreation
and Properties

April 14, 2004

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, April 21, 2004
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, April 21, 2004, at 1:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 215-A-04. (As a substitute for Ord. No. 215-04).

By Council Member Zone.

An ordinance to change the zoning of parcels along W. 79th Street between Ferrell Avenue and Madison Avenue from a General Industry Use District to a Multi-Family Residential Use District and a Parking District and from a "B" Area to an "E" Area (Map Change No. 2112, Sheet No. 1).

Ord. No. 544-04.

By Council Member Lewis.

An ordinance to change the zoning of parcels along Hough Avenue between East 65th Street and East 71st Street from Local Retail Business Use Districts to Single Family Residential Use Districts and a Multi-Family Residential Use District; from "B," "C," and "D" Area Districts to "A" Area Districts and from "2" Height Districts to "1" Height Districts (Map Change No. 2121, Sheet No. 5).

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

April 7, 2004 and April 14, 2004

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, APRIL 21, 2004

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation, and Properties, as authorized by Ordinance No. 330-04, passed by the Council of the City of Cleveland, pending.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 15, 2004 AT 12:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

April 7, 2004 and April 14, 2004

FRIDAY, APRIL 23, 2004

Steel Receptacles Lids with Flexible Steel Cable Attachment, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1257-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 16, 2004 AT 3:00 P.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

Electrical Motors & Pumps, Including Attachments, Parts, and Materials Necessary to Repair Electric Motors & Pumps, for the Division of Property Management, Department of Parks, Recreation, and Properties, as authorized by Ordinance No. 1889-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 15, 2004 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

April 7, 2004 and April 14, 2004

WEDNESDAY, MAY 5, 2004

Nottingham Water Works Plant Flocculation/Sedimentation/Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 323-04 pending.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 15, 2004, AT 1:00 P.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 7, 2004 and April 14, 2004

THURSDAY, APRIL 29, 2004

Decontamination Tents, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 657-01, passed by the Council of the City of Cleveland, June 11, 2001.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 23, 2004, AT 2:00 P.M., DEPARTMENT OF PUBLIC SAFETY, CITY HALL, 601 LAKESIDE AVENUE, ROOM #230, CLEVELAND, OHIO 44114.

April 14, 2004 and April 21, 2004

WEDNESDAY, MAY 5, 2004

Automotive Paints and Supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1973-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, APRIL 26, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Computer Hardware, Software and Associated Peripherals Equipment, for the Division of Information Technology & Services, Department of Finance, as authorized by Ordinance No. 1936-02, passed by the Council of the City of Cleveland, September 30, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, APRIL 26, 2004 AT 1:30 P.M., INFORMATION TECHNOLOGY & SERVICES CONFERENCE ROOM, 1404 EAST 9TH STREET, CLEVELAND, OHIO 44114.

Standard Business Software and Upgrades, Including Implementation, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 1950-01, 1068-98, 1565-02, passed by the Council of the City of Cleveland, February 11, 2002, August 19, 1998 and August 14, 2002, respectively.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 23, 2004, AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2004 and April 21, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 589-04.

By Council Member Lewis.
An emergency resolution objecting to a New C1 Liquor Permit at 8329 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at CJ S Deli, Inc., 8329 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 1172796; 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 CJ S Deli, Inc., 8329 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 1172796 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 April 5, 2004.
Effective April 8, 2004.

Res. No. 590-04.

By Council Members Brady and Britt.

An emergency resolution commending our troops for their service to the United States and extending Council's sympathy to the families and loved ones of those who have lost their lives or have been wounded in the line of duty in Iraq and Afghanistan.

Whereas, a year has passed since the onset of the war in Iraq; and

Whereas, over 600 American soldiers have given their lives in the service of our country in the Iraq conflict; and

Whereas, over 3000 U.S. service men and women have been severely wounded in the conflict in Iraq; and

Whereas, this Council wishes to acknowledge the bravery and sacrifice of our armed services serving in Iraq and Afghanistan; and

Whereas, this Council hopes and prays for a speedy conclusion to the conflict in Iraq and Afghanistan and for the safe homecoming of our courageous armed forces; and

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

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

Section 1. That this Council hereby commends our troops for their service to the United States and extending Council's sympathy to the families and loved ones of those who have lost their lives or have been wounded in the line of duty in Iraq and Afghanistan.

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 April 5, 2004.
Effective April 8, 2004.

Res. No. 591-04.

By Council Member Coats.

An emergency resolution objecting to a New C2 Liquor Permit at 18325 Euclid Avenue, Unit #3.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #4, 18325 Euclid Avenue, Unit #3, Cleveland, Ohio 44112, Permanent Number 01007780335; 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 C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #4, 18325 Euclid Avenue, Unit #3, Cleveland, Ohio 44112, Permanent Number 01007780325 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 April 5, 2004.
Effective April 8, 2004.

Res. No. 592-04.

By Council Member Polensek.

An emergency resolution objecting to the stock transfer of ownership of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a C1, C2 and D6 Liquor Permit to Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of ownership of a C1, C2 and D6 Liquor Permit to Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191; 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 April 5, 2004.
Effective April 8, 2004.

Res. No. 593-04.
By Council Member White.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 4025 East 131st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Pinkie Cornell, DBA Speedy's Restaurant, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 1746696 to 4025 East 131st, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894; 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 and C2X Liquor Permit from Pinkie Cornell, DBA Speedy's Restaurant, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 1746696 to 4025 East 131st, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894; 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 April 5, 2004.
Effective April 8, 2004.

Ord. No. 201-04.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga and the Ohio Department of Transportation to paint the structural steel on the Main Avenue Bridge over the Cuyahoga River; authorizing the Director of Public Service to enter into any agreements relative to the improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") and the Director of Transportation of the State of Ohio (the "Director of Transportation") to construct the following improvement under plans, specifications and estimated by the County and the Director of Transportation: to paint the structural steel on the Main Avenue Bridge over the Cuyahoga River (the "Improvement").

Section 2. That the City proposes to cooperate with the County and the Director of Transportation in the cost of the Improvement by cooperating to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement.

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

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

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

(b) Maintain the Improvement under the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

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

(d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices under 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.

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

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

e) 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 the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that the companies have agreed to make necessary rearrangements immediately after notification by the City.

f) 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. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at a time that is requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) 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 constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), e), f) and h) of this section.

j) 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 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 above-mentioned Manual are met.

k) 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 rescinded.

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

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for

the Improvement, and will review the construction plans for conformance with division a) of this section, and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the Clerk of Council is authorized to transmit to the County and to the Director of Transportation three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 11. 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 April 5, 2004.
Effective April 8, 2004.

Ord. No. 244-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signals, poles, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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

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

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

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

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

Passed April 5, 2004.
Effective April 8, 2004.

Ord. No. 327-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into amendments to contracts with various contractors to provide right-of-way assessment services, including property appraisals, under existing bridge rehabilitation contracts; and authorizing the Director of Public Service to employ one or more professional consultants to review the property appraisals prepared under the amendments.

Whereas, under various ordinances, the Director of Public Service entered into professional service agreements to design the rehabilitation of nine various bridges throughout the City; and

Whereas, additional services are necessary on these projects in order to prepare property appraisals and to negotiate with property owners for right-of-way acquisition; and

Whereas, once the property appraisals are prepared under contract amendments, an independent firm

must review them before negotiations for right-of-way acquisition with property owners may begin; and

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

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

Section 1. That the Director of Public Service is authorized to enter into an amendment to Contract No. 40826, Adelbert Road Bridge, with Stilson and Associates, dba DLZ, Ohio Inc., as authorized by Ordinance No. 303-85, passed March 11, 1985 and amended by Ordinance No. 1242-92, passed June 15, 1992, and Ordinance No. 2368-01, passed February 11, 2002, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$32,000.00.

Section 2. That the Director of Public Service is authorized to enter into an amendment to Contract No. 53145, West 44th Street Bridge, with Karl R. Rohrer & Associates, as authorized by Ordinance No. 1242-92, passed June 15, 1992, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$40,000.00.

Section 3. That the Director of Public Service is authorized to enter into an amendment to Contract No. 45860, Harvard Avenue Bridge, with URS Consultants, as authorized by Ordinance No. 1510-86, passed October 6, 1986, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$45,000.00.

Section 4. That the Director of Public Service is authorized to enter into an amendment to Contract No. 52333, West 53rd Street Bridge, with Osborn Engineering Co., as authorized by Ordinance No. 1242-92, passed June 15, 1992, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$30,000.00.

Section 5. That the Director of Public Service is authorized to enter into an amendment to Contract No. 51849, East 105th Street Bridge, with R.E. Warner & Associates, as authorized by Ordinance No. 897-93, passed June 7, 1993, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$32,000.00.

Section 6. That the Director of Public Service is authorized to enter into an amendment to Contract No. 55691, Woodland Avenue Bridge, with Adache-Ciuni-Lynn Associates, as authorized by Ordinance No. 366-99, passed May 24, 1999, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$40,000.00.

Section 7. That the Director of Public Service is authorized to enter into an amendment to Contract No. 43522, Madison Avenue Bridge, with North Shore Engineering, Inc., as authorized by Ordinance No. 1510-86, passed October 6, 1986, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$30,000.00.

Section 8. That the Director of Public Service is authorized to enter

into an amendment to Contract No. 53362, West 74th Street Bridge, with Euthenics, as authorized by Ordinance No. 1242-92, passed June 15, 1992, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$33,000.00.

Section 9. That the Director of Public Service is authorized to enter into an amendment to Contract No. 56484, West 77th Street Bridge, with Osborn Engineering, Inc., as authorized by Ordinance No. 2118-99, passed February 14, 2000, to include property appraisals and to negotiate with property owners for right-of-way acquisition, for an estimated additional cost of \$18,000.00.

Section 10. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to review the property appraisals prepared under the contract amendments authorized in Sections 1 through 9 of this ordinance.

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

Section 11. That the cost of the contract amendments and the professional services authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, and 20 SF 394, Request No. 147519.

Section 12. 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 April 5, 2004.

Effective April 8, 2004.

Ord. No. 339-04.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 61st, 63rd and 66th Street to Burten, Bell, Carr Development, Inc.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-002 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in Block F of Wm. A. Patton, John P. Knowles and Wm. S. Slater, Trustee of part of Original 100 Acre Lot Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 54 feet front on the Southerly side of Quincy Avenue and extending back of equal width, 160.75 feet deep on the westerly line and 159.33 feet deep on the Easterly line, 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. 124-02-003 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 3 feet of Sublot No. 9 and all of Sublot No. 8 in the John Whipple Re-Subdivision of Sublot 36 to 39 and 24 to 27 inclusive in the Bomford Allotment of part of Original 100 Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 57 feet front on the Southerly line of Quincy Avenue S.E. and extending back of equal width about 157.92 feet deep on the Easterly line, about 159.33 feet deep on the Westerly line and 57 feet wide in the rear as appears by said plat, be the same more or less but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-004 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-004

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

erly part of Sublot No. 9, Block "F" in Patten, Knowles and Slater, Trustees' Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Quincy Avenue, S.E. (Formerly Wade Street) at the Northeastly corner of said Sublot No. 9; thence Westerly along said southerly line of Quincy Avenue, S.E., 51 feet to the Northeastly corner of land conveyed by Jennie Freeman and Charles Freeman, wife and husband, to Baruch Botwin by deed dated March 7, 1911 and recorded in Volume 1299, Page 211 of Cuyahoga County Records; thence Southerly along the Easterly line so conveyed to Baruch Botwin about 157 feet 11 inches to the Southerly line of said Sublot No. 9; thence Easterly along said Southerly line of said Sublot No. 9 to the southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 9, 156 feet 6 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 124-02-006 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 11 and 12 in John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Allotment in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning at the intersection of the Southerly line of Quincy Avenue, S.E., with the Easterly line of East 63rd Street; thence Southerly along the Easterly line of East 63rd Street, 122 feet 6 inches; thence Easterly 76 feet along a line parallel with the Southerly line of said Sublots and distant Northerly 31 feet therefrom; thence Northerly along a line parallel with the Easterly line of East 63rd Street, about 120 feet 1-1/2 inches to the Southerly line of Quincy Avenue, S.E.; thence Westerly along the Southerly line of Quincy Avenue S.E., 76 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-007 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 32 feet of Sub Lot No. 12 in Patten, Knowles and Slater's Re-Subdivision of part of Bomford and Butler's Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said Easterly 32 feet of Sub Lot No. 12 has a frontage of 32 feet on the Southerly side of Quincy Avenue, S.E., and extends back 150 feet, 9 inches on the Easterly line about 151-1/2 feet on the Westerly line, and is 33 feet wide in the rear.

Subject to Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-008 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Block "G" in Patten, Knowles and Slater's Re-Subdivision of part of the Bomford Subdivision of parts of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 54 feet front onto the Southerly side of Quincy Avenue S.E., and extending back 149 feet 4 inches deep on the Easterly line and 150 feet, 9 inches deep on the Westerly line, and 54 feet in rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 124-02-009 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 33 feet of Sublot No. 14 in Patten, Knowles and Slater, Trustee Re-Subdivision of part of Original 100 Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Quincy Avenue, S.E., and extending back 149 feet 4 inches on the Westerly line, about 148 feet 4 inches on the Easterly line, and having a rear line of 33 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-010 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 14 and 15 in the John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning on the Southerly line of Quincy Avenue, S.E., at a point 33 feet Easterly from the Northwest corner of said Sublot No. 14 and the Northeastly corner of land conveyed to Margaret L. Roland by deed dated April 15, 1881, and recorded in Volume 323, Page 118 of Cuyahoga County records; thence Southerly along said Easterly line about 118 feet to a point 30 feet Northerly of the Southerly line of said Sublot No. 14; thence Easterly parallel with the Southerly lines of Sublots Nos. 14 and 15 and 30 feet Northerly therefrom 33 feet; thence Northerly parallel with the first described line about 116-7/12 feet to the Southerly line of Quincy Avenue, S.E., thence Westerly along the Southerly line of Quincy Avenue, S.E., 33 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 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. 124-02-011 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in Patten, Knowles and Slater's Resubdivision of part of Bomford and Butler's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Resubdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Quincy Avenue, S.E. at its intersection with the Westerly line of East 64th Street (formerly Dike Street); thence Southerly along the Westerly line of East 64th Street, 84 feet; thence Westerly parallel with the Southerly line of Quincy Avenue S.E., 42 feet; thence Northerly parallel with the Westerly line of East 64th Street, 84 feet to the Southerly line of Quincy Avenue, S.E.; thence Easterly along the Southerly line of Quincy Avenue, S.E., 42 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 124-02-026 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 28.00 feet of the Easterly 40.00 feet of Sublot No. 26 in the John Whipple et al. Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, page 52 of Cuyahoga County Records, and being 28 feet front on the Westerly side of East 66th Street, and extending back of equal width 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 124-02-027 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 28.00 feet of the Northerly 56.00 feet of the Easterly 40.00 feet of Sublot No. 26 in John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 28 feet front on the Westerly side of East 66th Street, and extending back of equal width 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 124-02-028 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 4 feet of the Easterly 40 feet of Sublot #26 and the Northerly 24 feet of the Easterly 40 feet of Sublot #27, in Patton, Knowles and Slater, Trustees; Re-Subdivision of part of Bomford and Butler's Subdivision of part of Original 100 Acre Lot #331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records and together forming a parcel of land having a frontage of 28

feet on the Westerly side of East 66th Street (formerly Cemetary street) and extending back of equal width 40 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 124-02-030 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 26 and 27 in Patten, Knowles and Slater Trustee's Re-subdivision of Bomford & Butler's Subdivision of parts of Original 100 Acre Lot Nos. 331 and 332, as shown by the recorded plat of said Re-subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northerly line of Scoville Avenue S.E. at a point 40 feet West of the intersection of the Northerly line of Scoville Avenue S.W. with the westerly line of East 66th Street (formerly Cemetery Street); thence North parallel with the Westerly line of East 66th Street 120 feet to the Northerly line of said Sublot 26; thence Westerly along the Northerly line of said Sublot 26, 53 feet; thence Southerly parallel with the Westerly line of East 66th Street, 120 feet to the Northerly line of Scoville Avenue S.E.; thence Easterly along the Northerly line of Scoville Avenue S.E. 53 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-031 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 45 feet of Sublots Nos. 26 and 27 in John Whipple's Subdivision of part of Original One Hundred Acre Lots Nos. 311 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, together forming a parcel of land 45 feet front on the the Northerly side of Scovill Avenue, S.E., and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-032 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet of Sublot No. 48 and the Easterly 30 feet of the Southerly 50 feet of Sublot No. 49 in Patten, Knowles and Slater Trustees' Re-Subdivision of part of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Northerly side of Scovill Avenue, S.E., (formerly Bomford Street) and extending back of equal width 110 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways and further subject to restrictions, reservations, easements, limitations, covenants and conditions of record, if any.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-034 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of S/L 60 and S/L 61 in the Patten, Knowles and Slater Subdivision of a part of original one hundred acres lot no. 331, as shown by the recorded plat in Volume 2 of maps, page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point on the Northerly side of Scovill Ave. (60 feet wide), 33.50 feet Westerly from the intersection of the Northerly side of Scovill Ave. with the Northerly side of E. 64th St. (60 feet wide).

Thence Westerly along the Northerly side of Scovill Ave. 33.50 feet;

Thence Northerly parallel with the Westerly side of E. 64th St., 88 feet;

Thence Easterly parallel with the Northerly side of Scovill Ave. 33.50 feet;

Thence Southerly to the place of beginning, 88 feet, be the same more or less, but subject to all legal highways.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-035 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublots Nos. 60 and 61 in John Whipple's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat

in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning On the Northerly line of Scovill Avenue, S.E., (formerly Bomford Street), at a point which is distant 67 feet Westerly, from the Westerly line of East 64th Street, (formerly Dike Street); thence Westerly along the Northerly line of Scovill Avenue, S.E., 29 feet to the Southwesterly corner of a parcel of land conveyed to Mary Baldinger and Lena Baldinger, by deed filed March 28, 1907, and recorded in Volume 1076, Page 510 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Mary and Lena Baldinger, as aforesaid 88 feet to the Northwesterly corner thereof; thence Easterly parallel with the Northerly line of Scovill Avenue, S.E., 29 feet; thence Southerly parallel with the Westerly line of East 64th Street, 88 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-036 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sub-lots Nos. 60 and 61 in The Patton, Knowles and Slater Trustee's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows: Beginning on the Northerly line of Scovill Avenue, S.E., at the Southwesterly corner of Sub-lot No. 61; thence Easterly along the Northerly line of Scovill Avenue, S.E., a distance of 39.0 feet to the Southwesterly corner of a parcel of land conveyed to Mary Baldinger and Lena Baldinger by deed filed for record March 28, 1907, and recorded in Volume 1076, Page 510 of Cuyahoga County Records; thence Northerly along the Westerly line of said parcel so conveyed to Mary Baldinger and Lena Baldinger, a distance of 88.0 feet to the Northwesterly corner thereof; thence Easterly along the Northerly line of said parcel, a distance of 1.0 feet to a point; thence Northerly a distance of about 32.0 feet to a point in the Northerly line of Sub-lot No. 60, said point being distant 40.0 feet Easterly measured along said Northerly line from the Northwesterly corner of said Sub-Lot No. 60; thence Westerly along said Northerly line of Sub-lot No. 60, a distance of 40.0 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of Sub-lots Nos. 60 and 61, a distance of 120.0 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-038 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 82 and 83 in Patten, Knowles and Slater's Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows: Beginning on the Northerly line of Scovill Avenue, S.E. (60 feet wide) at a point 62 feet Easterly (measured along said Northerly line) from the Easterly line of East 63rd Street (formerly Florence Street), said place of beginning being also the Southeastery corner of a parcel of land conveyed to the Union Trust Company by Deed dated November 19, 1926 and recorded in Volume 3470, Page 365 of Cuyahoga County Records; thence Easterly along the Northerly line of Scovill Avenue, S.E. 30 feet 5 inches to the Southwesterly corner of a parcel of land conveyed to Frank Fields by Deed dated June 6, 1931 and recorded in Volume 4163, Page 233 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Frank Fields 120 feet to the Northwesterly corner thereof and the Northerly line of said Sublot No. 83; thence Westerly along the Northerly line of said Sublot No. 83, 30 feet 5 inches to the Northeastery corner of Parcel No. 4 of land conveyed to Frank Gray and Joe Gray by deed dated July 29, 1932 and recorded in Volume 4256, Page 568 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to the Union Trust Company as aforesaid, a 120 feet to the place of beginning.

Also subject to zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-040 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 82 and 83 in Patten, Knowles & Slater, Trustees' Re-Subdivision of part of the Bomford Subdivision of parts of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said resubdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows: Beginning in the Northerly line of Scovill Avenue S.E., at its intersection with the Easterly line of East 63rd Street (formerly

Florence Street), which point of beginning is also the Southwesterly corner of said Sublot No. 82; thence Northerly along the Easterly line of East 63rd Street, 90 feet; thence Easterly parallel with the Northerly line of Scovill Avenue S.E. 30 feet; thence Southerly parallel with the Easterly line of East 63rd Street, 90 feet to the Northerly line of Scovill Avenue, S.E. thence Westerly, 30 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-041 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sub Lots Nos. 116 and 117 in Patten, Knowles and Slater's Trustees' Re-Allotment of Sub Lots Nos. 24, 25, 26, 27 and 36, 37, 38 and 39 in Bomford and Butler's Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in said Re-Allotment in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Scovill Avenue, S.E., 89 feet Easterly from the Easterly line of East 61st Street (formerly Slater Street); thence Easterly along said Northerly line of Scovill Avenue, S.E., 46 feet to the Southeast corner of Sub Lot No. 116; thence Northerly along the Easterly lines of Sub Lots Nos. 116 and 117, 120 feet to the Northeast corner of Sub Lot No. 117; thence Westerly along the Northerly line of Sub Lot No. 117, 46 feet; thence Southerly 120 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-042 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-42

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublots Nos. 116 and 117 in Patten, Knowles and Slater, Trustees' Re-Subdivision of a part of the Bromford Allotment of a part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Northerly Line of Scovill Avenue, S.E., (formerly Bromford Street), at a point distant 45 feet Easterly from the intersec-

tion of said Northerly line of Scovill Avenue, S.E., and the Easterly line of East 61st Street, (formerly Slater Avenue); thence Easterly along said Northerly line of Scovill Avenue, S.E., 44 feet; thence Northerly parallel with said Easterly line of East 61st Street, 120 feet to the Northerly line of said Sublot No. 117; thence Westerly along said Northerly line of Sublot No. 117 and parallel with said Northerly line of Scovill Avenue, S.E., 44 feet and thence Southerly parallel with said Easterly line of East 61st Street, 120 feet to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-043 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 116 and 117 in Patten, Knowles and Slater Trustee Re-Subdivision of part of the Bomford Allotment of part of Original 100 Acre Lot Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Northerly line of Scoville Avenue S.E. with the Easterly line of East 61st Street (formerly Slater Avenue); thence Easterly along the Northerly line of Scoville Avenue, S.E. 45 feet; thence Northerly parallel with the Easterly line of East 61st Street 85 feet; thence Westerly and parallel with the Northerly line of Scoville Avenue S.E. 45 feet to the Easterly line of East 61st Street; thence Southerly along the Easterly line of East 61st Street 85 feet to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-045 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sub Lot No. 118 in John Whipple's Re-Subdivision of part of The Bomford and Butler Subdivision of part of Original 100 Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 61st Street (formerly Slater Avenue), and extending back of equal width 135

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

Also subject to zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-046 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one-half of Sublot No. 118 in John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 61st Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-047 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 119 in Block "F" in Patten, Knowles and Slater Trustees' Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of East 61st Street (formerly Slater Street) at the Southwest corner of land conveyed to Frank G. Howe and Martha Howe, husband and wife, by deed dated February 24, 1910 and recorded in Volume 1246, Page 92 of Cuyahoga County Records; thence Southerly along said Easterly line of East 61st Street to the Southwest corner of said Sublot No. 119; thence Easterly along the Southerly line of said Sublot No. 119 to the Southeast corner thereof; thence Northerly along the Easterly line of said Sublot No. 119 to the Southeast corner of land conveyed to Frank G. Howe and Martha Howe as aforesaid; thence Westerly along the Southerly line of land so conveyed the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-050 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one-half of Sublot No. 120 in Patten, Knowles and Slater's Subdivision of a part of Original One Hundred Acre Lot No. 331, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 120 has a frontage of 30 feet on the Easterly side of East 61st Street (formerly Slater Avenue) and extends back between parallel lines, 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

NOTE: Deeds conveys caption and more land.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-051 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly half of Sublot No. 121 in Patten, Knowles and Slater's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 28-75/100 feet front on the Easterly side of Slater Street (now known as East 61st Street), and extending back of equal width 135 feet deep, be the same more or less, but subject to all legal highways.

NOTE: Deeds conveys caption and more land.

SUBJECT: Easement recited in Deed Volume 91-1349, Page 38 of Cuyahoga County Records filed March 18, 1991.

Also subject to zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-053 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 1.50 feet of Sublot No. 122 in Patten, Knowles and Slater's Resubdivision of the Bomford Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Resubdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 122 has a frontage of 1.50 feet on the Easterly side of East 61st Street (formerly Slater Street) and extends

back between parallel lines 135 feet, be the same more or less, but subject to all legal highways.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-054 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 29-1/2 feet of Northerly 58-1/2 feet of Sublot No. 122 in Patten, Knowles and Slater Trustee's Re-Subdivision of Sublot Nos. 24 to 27, inclusive, and 36 to 39, inclusive, of the Bomford Allotment of parts of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of said Sublot No. 122 has a frontage of 29-1/2 feet on the Easterly side of East 61st Street (formerly Slater Avenue) and extends back between parallel lines, 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-055 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 29-1/2 feet of Sublot No. 122 in Patten, Knowles and Slater Trustees Subdivision of Sublot Nos. 24 to 27 and 36 to 39 of Bomford and Butler' as Subdivision of part of Original One Hundred Acre Lot Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 122 has a frontage of 29-1/2 feet on the Easterly side of East 61st Street (formerly Slater Street) and extends back between parallel lines 135 feet be the same more or less, but subject to all legal highways.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-056 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 6 in Block F in Patten, Knowles and Slater, Trustees Subdivision of part of Original 100 Acre

Lot Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Easterly line of East 61st Street at the Southwesterly corner of a parcel of land conveyed to Raimondo and Giovannina Polizzi by deed dated June 10, 1916 and recorded in Volume 1797, Page 7 of Cuyahoga County Records, which point is 95 feet Southerly measured along said Easterly line from its intersection with the Southerly line of Quincy Avenue S.E; thence Southerly along said Easterly line of East 61st Street, 67 feet 2 inches to the Southwesterly corner of Sublot 6; thence Easterly along the Southerly line of said Sublot 6 to the Southeasterly corner of said Sublot 6; thence Northerly along the Easterly line of said Sublot 6, 65 feet 9 inches to the Southeasterly corner of the aforesaid parcel of land conveyed to Raimondo and Giovannina Polizzi; thence Westerly along the Southerly line of said parcel of land conveyed to the same names Raimondo and Giovannina Polizzi, to the place of beginning, be the same more or less, but subject to all legal highways.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-057 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No.10 in William S. Patten and Other's Re-Subdivision of part of Bomford's Allotment of part of Original One Hundred Acre Lot Nos. 331 and 332 as shown by the recorded plat of said allotment in Volume 2 of maps, Page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Easterly line of said Sublot No. 10 which line is also the Westerly line of East 63rd Street (formerly Second Avenue) at a point 53 feet Northerly from the Southeasterly corner of said Sublot No. 10; thence Westerly at right angles with the Easterly line of said Sublot No. 10 and parallel to the Southerly line of said Sublot No. 10, about 54 feet to the Westerly line of said Sublot No. 10; thence Northerly along the Westerly line of said Sublot No. 10, 32-75/100 feet; thence Easterly at right angles with the Westerly line of said Sublot No. 10 and parallel to the first described course about 54 feet to the Easterly line of said Sublot No. 10; thence Southerly along the Easterly line of said Sublot No. 10 32-75/100 feet to the place of beginning as appears by said plat be the same more or less but subject to all legal highways. Subject to an easement for driveway purposes over the Southerly 4 feet 3 inches of the above described premises, said 4 feet, 3 inches forming the Northerly 4 feet, 3 inches of a driveway 6 feet, 9 inches wide, be the same more or less, but subject to all legal highways.

Section 67. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-058 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in William S. Patten and other's Re-Subdivision of a part of Bomford's Allotment of a part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said allotment in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of said Sublot No. 10 which line is also the Westerly line of East 63rd Street, (formerly Second Avenue), at a place 23 feet Northerly from the Southeasterly corner of said Sublot No. 10; thence Westerly at right angles with the Easterly line of said Sublot No. 10 and parallel to the Southerly line of said Sublot No. 10 about 54 feet to the Westerly line of said Sublot No. 10; thence Northerly along the Westerly line of said Sublot No. 10, 30 feet; thence Easterly at right angles with the Westerly line of said Sublot No. 10 and parallel to the first described course, about 54 feet to said Westerly line of East 63rd Street; thence Southerly along the Westerly line of said East 63rd Street, 30 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Easements for driveway purposes contained in the Deed from David Spero and wife, to Sarah Sisser, dated July 14, 1917, filed for record September 24, 1917, and recorded in Volume 1972, Page 420 of Cuyahoga County Records, conveying premises above described and more land.

Also subject to zoning ordinances, if any.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-059 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 23 feet of Sublot No. 10 in William S. Patten, and others' Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 10 has a frontage of 23 feet on the Westerly side of East 63rd Street (formerly Second Avenue), and extends back between parallel lines 54 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 124-02-062 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in John Whipple Allotment of part of Original 100 Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 60 feet front on the Westerly line of East 63rd Street and extending back of equal width 135 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-069 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sublot No. 86 in Block G in the John Whipple Subdivision of part of Original One Hundred Acre Lot No. 331 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 63rd Street (formerly Second Avenue) and extending back of lines of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-070 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one-half of Sublot No. 86 in the John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said Northerly one-half of said Sublot No. 86 has a frontage of 30 feet on the Easterly side of East 63rd Street (formerly Florence Street), and extending back of original width, 135 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 77. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 124-02-071 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one half of Sublot No. 87 in Patten, Knowles and Slater Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 63rd Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 79. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-073 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 56 feet of Sublot No. 88 in John Whipple Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 56 feet front on the Easterly side of East 63rd Street, (formerly Florence Street), and extending back between parallel lines 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 81. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-074 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31 feet on Sublot No. 11 and the Southerly 31 feet of the Westerly 22 feet of Sublot No. 12 in John Whipple Subdivision of a part of Original One Hundred Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land 31 feet front on the Easterly side of East 63rd Street (formerly Florence Street), and extending back between parallel lines 76 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 83. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-075 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 84. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in Patton, Knowles and Slater's Subdivision of part of Original 100 Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of East 64th Street, at a point distant Southerly measured along said Westerly line 84 feet from the Southerly line of Quincy Avenue S.E.; thence Southerly along the Westerly line of said East 64th Street 32 feet 7 inches; thence Westerly parallel with the Southerly line of said Sublot 15, 42 feet to the Southeast corner of a parcel of land conveyed to Marilla A. Walton by deed dated November 10, 1904 and recorded in Volume 968, Page 35 of Cuyahoga County Records; thence Northerly along the Easterly line of said parcel so conveyed to Marilla A. Walton 32 feet 7 inches to a point distant Southerly measured along said Easterly line 84 feet from the Southerly line of said Quincy Avenue S.E.; thence Easterly in a direct line 42 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 85. 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. 124-02-076 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 86. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 21 feet of the Southerly 30 feet of Sublot No. 14 and the Southerly 30 feet of Sublot No. 15 in Patton, Knowles and Slater's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332 as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said parts of Sublots Nos. 14 and 15 together form a parcel of land having a frontage of 30 feet on the Westerly side of East 64th Street (formerly Dike Street) and extending back between parallel lines 75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 87. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-077 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 88. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 55 in Patten Knowles and Slater's Re-Allotment of part of Bomford and Butler's Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-Allotment in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 55 has a frontage of 30 feet on the Westerly side of East 64th Street (formerly Dike Street) and extends back between parallel lines 135, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 89. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-080 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 90. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25.00 feet of Sublot No. 56 in Patten, Knowles and Slater's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 25 feet front on the Westerly side of East 64th Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 91. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-081 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 92. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in Patten, Knowles and Slater Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 60 feet front on the Westerly side of East 64th Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 93. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 124-02-082 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 94. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 27 feet of Sublot No. 58 in Patten, Knowles and Slater, Trustee's Re-Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being said Northerly 27 feet of said Sublot No. 58 has a frontage of 27 feet front on the Westerly side of East 64th Street (formerly Dike Street) and extends back of equal width 135 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 95. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-083 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 96. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 58 in John Whipple et al Allotment of part of Original One Hundred Acre Lot No. 331, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 33 feet front on the Westerly side of East 64th Street, and extending back between parallel lines 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 97. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-084 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 98. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the North half of Sublot No. 59 in John Whipple, et al. Subdivision, in Original One Hundred Acre Lot No. 331, of said North half of Sublot No. 59 being 30 feet front on the West side of East 64th Street, and extending back 135 feet in depth as per plat of said Subdivision, recorded in Volume 2 of Maps, Page 52 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 99. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-085 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 100. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sub Lot No. 59 in Patten, Knowles and Slater's Trustee Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records and being 30 feet front on the Westerly side of 64th Street (formerly Dike Street) and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 101. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-086 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 102. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 60 in the Patten, Knowles and Slater, Trustees Subdivision of a part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Northeasterly corner of Sublot No. 60 in the Westerly line of East 64th Street, (formerly Dike Street); thence Southerly along the Westerly line of said East 64th Street, 32 feet; thence at right angles Westerly and parallel with the Northerly line of said Sublot No. 60, 95 feet; thence at right angles Northerly and parallel with the Westerly line of East 64th Street, 32 feet to a point in the Northerly line of said Sublot No. 60; thence Easterly along the Northerly line of said Sublot no. 60, 95 feet to the place of beginning, and being 32 feet front on the Westerly side of East 64th Street, and extending back of equal width 95 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 103. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-087 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 104. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Southerly 35 feet of the Westerly 105 feet of Sublot No. 48 in Patten Knowles and Slater Trustees Subdivision of part of Original 100 Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 48 has a frontage of 35 feet on the Easterly side of East 64th Street (formerly Dike Street) and extends back of equal width 105 feet along the Northerly side of Scovill Avenue, S.E., according to said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 105. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-088 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 106. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet of the Westerly 105 feet of Sublot No. 48 and the Southerly 15 feet of the Westerly 105 feet of Sublot No. 49 in Patten, Knowles and Slater, Trustees Re-Subdivision of part of Bomford and Butler's Allotment of part of Original 100 Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said parts of said Sublots Nos. 48 and 49 together form a parcel of land having a frontage of 40 feet on the Easterly side of East 64th Street (formerly Dike Street) and extending back between parallel lines, 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 107. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-089 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 108. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet of the Northerly 45 feet of the Westerly 105 feet of Sublot No. 49 in Patten, Knowles and Slater Trustee's Resubdivision of part of the Butler Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332 as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of said Sublot No. 49 has a frontage of 35 feet on the Westerly side of East 64th Street (formerly Dike Street) and extending back

between parallel lines 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 109. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-090 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 110. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 10 feet of Sublot No. 49 and the Southerly 25 feet of Sublot No. 50 in Patten, Knowles and Slater Trustees' Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded Plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and together forming a parcel of land 35 feet front on the Easterly side of East 64th Street (formerly Dike Street), and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 111. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-091 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 112. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 50 in Patton, Knowles and Slater Trustees' Resubdivision of part of the Bomford and Butler Allotment of part of Original One Hundred Acre Lots Nos. 331 and 332 as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said part of Sublot No. 50 has a frontage of 35 feet on the Easterly side of East 64th Street, S.E. (formerly Dike Street) and extends back of equal width 135 feet deep, according to said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 113. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-092 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 114. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-092

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

Southerly 30.00 feet of Sublot No. 51 in Patten, Knowles and Slaters Trustee's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 64th Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 115. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-093 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 116. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one half of Sublot No. 51 in Patten, Knowles and Slaters Trustee's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 64th Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 117. 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. 124-02-096 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 118. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sublot No. 53 in Patten, Knowles and Slater, Trustee's Re-Subdivision of a part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records. Said Southerly one-half of Sublot No. 53 has a frontage of 30 feet on the Easterly side of East 64th Street (formerly Dike Avenue) and extends back between parallel lines 135 feet, as appears by said plat be the same more or less, but subject to all legal highways.

Section 119. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-097 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 120. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 53 in Patton Knowles and Slater's Trustees Subdivision of part of Original 100 Acre Lot Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records and being a parcel of land 30 feet front on the Easterly side of East 64th Street and extending back of equal width 95 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 121. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-098 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 122. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-098

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 53 and 54 in Patten, Knowles and Slater's, Trustees, Subdivision of parts of Original One Hundred Lot Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 64th Street at a point distant Southerly 30 feet from the Northwesterly corner of said Sublot No. 53; thence Easterly 95 feet parallel with the Northerly line of said Sublot No. 53 to a point for the principal place of beginning; thence Northerly 60 feet parallel with the said Easterly line of East 64th Street to a point distant Northerly 30 feet from the Southerly line of said Sublot No. 54; thence Easterly about 40 feet parallel with the Southerly line of said Sublot No. 54 to a point in the Easterly line of said Sublot No. 54; thence Southerly 60 feet along the Easterly line of said Sublot Nos. 53 and 54 to a point distant Southerly 30 feet from the Northeastly corner of said Sublot No. 53; thence Westerly about 40 feet parallel with the Northerly line of said Sublot No. 53 to a principal place of beginning; and an easement bounded and described as follows:

Beginning on the Easterly line of East 64th Street at a point distant Northerly 23 feet from the Southwesterly corner of said Sublot No. 54; thence Northerly 7 feet along the said Easterly line of East 64th Street to a point; thence Easterly 95 feet parallel with the Southerly line of said Sublot No. 54 to a point; thence Southerly 7 feet parallel with the said Easterly line of East 64th Street to a point; thence Westerly 95 feet parallel with the Southerly line of said Sublot No. 54 to the original place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 123. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-101 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 124. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sub Lot No. 54 in Patten, Knowles and Slater's Trustees Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 64th Street at the Southwestly corner of said Sub Lot No. 54; thence Northerly 30 feet along the said Easterly line of East 64th Street to a point; thence Easterly 95 feet parallel to the Southerly line of Sub Lot No. 54; thence Southerly 30 feet parallel with the said Easterly line of East 64th Street to a point in the Southerly line of said Sub Lot No. 54; thence Westerly 95 feet along the Southerly line of said Sub Lot No. 54 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 125. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-103 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 126. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 21 feet from front to rear of the Easterly 42.58 feet of Sub-lots Numbers 82 and 83 in Patten, Knowles and Slater's Re-Subdivision of Sub-lots Numbers 24, 25, 26, 27, 37, 38 and 39 in Bomford and Butler's Allotment of a part of Original One Hundred Acre Lots Numbers 331 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and being 21 feet front on the Northerly side of Scovill Avenue S.E., and extending back of equal width 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 127. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-02-104 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 128. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 124-02-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 25 in Patten, Knowles and Slaters, Trustees Re-Subdivision of part of Original 100 Acre Lots Nos. 331 and 332 as shown by the recorded plat in Volume 2 of Maps.

Page 52 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 66th Street at the Southeastly corner of said Sublot No. 25; thence Northerly 30 feet along the said Westerly line of East 66th Street to a point; thence Westerly 75 feet parallel with the Northerly line of said Sublot No. 25 to a point; thence Southerly 30 feet parallel with the said Westerly line of East 66th Street to a point in the Southerly line of said Sublot No. 25; thence Easterly 75 feet along the Southerly line of Sublot No. 25 to the place of beginning, be the same more or less, but subject to all legal highways.

Section 129. 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 130. 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 131. 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 132. 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 April 5, 2004.

Effective April 8, 2004.

Ord. No. 583-04.

By Council Member Westbrook.

An emergency ordinance to amend Sections 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1989-01, passed October 22, 2001, and Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to the regulation of outdoor pay telephones.

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 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as

amended by Ordinance No. 1989-01, passed October 22, 2001, and Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, are amended to read, respectively, as follows:

Section 670B.02 Requirements for License and Contracts; Permits; Location Requirements

(a) No person shall engage in the business of providing and installing outdoor pay telephones on private property, and no person shall install, place or maintain an outdoor pay telephone on private property, unless the owner has a biennial outdoor pay telephone license. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter.

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor pay telephone within the public right-of-way unless the owner of the telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter. This prohibition also applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way, and any outdoor pay telephone located in the right-of-way that is attached to a building or structure by a wire or cable.

(c) No person shall engage in the business of providing and installing outdoor pay telephones on private property or in the right-of-way, and no person shall install, place or maintain an outdoor pay telephone on private property or in the right-of-way unless the owner has a biennial permit for each telephone installed, placed or maintained, issued in accordance with the requirements of this Chapter.

(d) It shall be unlawful for any person to install, own or maintain, or to allow the installation or maintenance of, an outdoor pay telephone on private property or the public right-of-way under any of the following circumstances:

(1) On any vacant private property;

(2) On any private property where any or all buildings are vacant;

(3) On any private property that has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

(4) In a residential use district as defined in the Zoning Code of the City, or within 50 feet of a residential dwelling unit in a residential use district;

(5) At a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way;

(6) Within 5 feet of any area used for vehicular ingress or egress or an aisle way in a parking area for vehicular travel;

(7) Within 5 feet of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, police or fire call box, traffic con-

trol box, fire hydrant or sidewalk elevator, or that blocks or restricts free passage of pedestrians or vehicles; or

(8) On any property or at any location that has been determined by the Director of Public Safety to create a nuisance based upon prior actual use.

(e) No dial tone provider shall provide dial tone to any outdoor pay telephone on private property or in the right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to this Chapter.

(f) All outdoor pay telephones on private property or in the right-of-way must: automatically block all incoming calls and provide outgoing only service; prevent the use of pagers or beepers; use electric wiring, not telephone wire, for electric connections; be well lighted if available for use during hours between sunset and sunrise, which may include ambient lighting; and be kept free from graffiti and stickers not placed by the owner, and kept clean.

(g) Any outdoor pay telephone placed or installed on private property or in the right-of-way shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone, and shall have the capability to make the telephone inoperative for designated periods of time, to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call, shall have built in volume control and shall have a key pad that prevents the use of pagers or beepers.

(h) No outdoor pay telephone shall be placed or installed at any location on private property or in the right-of-way that is within 500 feet of any other outdoor pay telephone, whether on private property or in the right-of-way.

(i) The 500 feet restrictions in this Section shall not apply to any retail gas service station. The 500 feet restrictions shall also not apply to: the Central Business District as defined in Section 325.12 of the Codified Ordinances; the Flats Oxbow Revitalization District; the University Circle institutional area defined as the area included within and bounded by both sides of East 105 Street, East Boulevard, Ford Road, and Euclid Avenue; Regional Transit Authority rapid stations and the adjacent right-of-way; hospitals, universities, and Cuyahoga Community College and the adjacent right-of-way; and strip shopping centers and the adjacent right-of-way. All other requirements of this Chapter apply to outdoor pay telephones in the areas named in this division.

(j) An owner may apply in writing to the Commissioner for an exemption from the 500 feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional outdoor pay telephones as a result of a high level of pedestrian and automobile traffic, and a concentration of heavy usage of pay telephones at that location. Any such application shall be referred to the Director of Planning for review and approval, and if so approved, shall be submitted to Council for action. If Council passes an ordinance approving the exemption, such ordinance shall be forwarded to the Commissioner who shall attach the approved exemption

to the license of the owner or as an amendment to the owner's contract, and the owner then may apply for permits for additional phones, as approved.

(k) For the purposes of this section, the submission of a completed application for a permit for a telephone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

Section 670B.03 Contracts with Outdoor Pay Telephone Owners; Public Right-of-Way

(a) Any owner may enter into a biennial contract with the Director that grants to the owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way for a period of two years, subject to the terms and conditions set forth in the contract and this Chapter.

(b) Any contract entered into pursuant to division (a) of this section must include as terms and conditions at a minimum all of the requirements of this Chapter applicable to pay telephones in the right-of-way; however, the City may impose additional requirements and restrictions on pay telephones in the right-of-way in the contract with an owner, but no such requirements may unnecessarily discriminate in favor of or against any owner.

(c) Owners with a contract to install telephones in the right-of-way shall apply for permits under Section 670B.05 for each telephone.

Applications for permits shall be given preference for purposes of determining compliance with the distance requirements in the order that they are received.

(d) The Director shall determine whether to approve the proposed location of all outdoor pay telephone to be installed and maintained in the right-of-way, and in doing so shall consider the following factors in addition to other requirements of this Chapter:

(1) Possible obstruction of pedestrian and vehicular traffic;

(2) The size of the telephone and any booth stand, or pole;

(3) The ability to provide access by disabled persons;

(4) The proliferation of visual clutter; and

(5) Such other factors as are delineated in the contract.

(e) Any outdoor pay telephone installed and maintained in the right-of-way must:

(1) Allow a "direct dial" of 911 without the need to first use a coin or a credit card or the need to dial the operator;

(2) Have a functioning coin return mechanism;

(3) Have affixed in a readily visible place a notice setting forth the name of the owner, the owner's telephone number for repair and the telephone number or serial number of the outdoor pay telephone;

(4) Be maintained in a properly functioning, clean, neat and attractive condition, free of rust and free of danger of electrical shock;

(5) Not be used for advertising signs or publicity of any sort; and

(6) Be in full compliance with all state and federal laws and regulations, including this Chapter.

(f) The owner of each outdoor pay telephone shall indemnify the City and hold it harmless from any and all claims or liability arising from any act of the owner, or failure to act, in the installation, maintenance

and operation of the telephone. The owner shall submit to the Commissioner, at its own expense, general liability insurance to protect the owner and the City from all claims for damage to property or bodily injury, including death. The insurance shall be in an amount not less than one hundred thousand dollars (\$100,000) combined single limit, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the Director at the time of execution of the contract and shall be maintained before and during the installation of any telephone in accordance with the contract and throughout the period that the contract for any telephone is in effect. The Director may accept documentation that the owner has a self-insurance retention plan in lieu of insurance, provided that the Director determines that the coverage is equivalent or better than the insurance coverage required by this division.

Section 670B.05 Biennial Outdoor Pay Telephone Permits Required

(a) Prior to the installation or placement of an outdoor pay telephone on private property or in the right-of-way, and biennially thereafter, the owner of the telephone shall submit an application for a permit to the Commissioner upon forms to be prescribed by the Commissioner. The applicant may request that documents and information provided to the Commissioner be considered confidential and not public records by labeling such documents or information as "Confidential and Proprietary," and the Commissioner shall disclose such documents or information only to those parties to whom disclosure is necessary to carry out the provisions of this Chapter, unless otherwise required by law. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the owner;

(2) The number of the owner's outdoor pay telephone license or contract, as applicable;

(3) The serial number or telephone number and dimensions of the outdoor pay telephone and any enclosure;

(4) A description of the services provided for the users of the outdoor pay telephone, including any special telephone features or restrictions;

(5) If the telephone was or will be placed, installed and maintained by a licensee, the name, address and telephone number of the property owner and any lessees of the property where the outdoor pay telephone is or will be located;

(6) A drawing of the location of the telephone for which the permit is requested and the location of any telephone within 500 feet of that telephone;

(7) A description of the source and brightness of lighting of the telephone by built-in or ambient lighting;

(8) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) A biennial permit fee of one hundred dollars (\$100.00) per telephone installed or to be installed

shall be submitted with the application. This permit fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(c) The owner shall promptly notify the Commissioner in writing of any change in the information required by division (a) of this Section. The owner must submit a written notice of the removal of any telephone to the Commissioner prior to the removal. No refund of fees previously paid shall be made for telephones removed by the owner, the City or otherwise. If the owner plans to change the location of a telephone that is already permitted, or install a new phone at the same location, the owner must submit a new application for a permit and the fee to defray the expenses incident to the administration of the provisions of this Chapter. No additional fee or permit application is required to replace a broken or defective telephone, or to permanently relocate a telephone 10 feet or less once per permit period or to relocate a telephone temporarily on the same property for a period of less than 90 days. An owner must notify the Commissioner of any relocation allowed by this division within 30 days of the relocation.

(d) A copy of each application for a permit and any notice of a removal shall be provided by the Commissioner to the Director of Public Safety, the Director of Public Service, and the Council member in whose ward the telephone is proposed to be installed. The Commissioner shall refer each application for a permit to the Commissioner of Building and Housing for review and approval. The Commissioner of Building and Housing shall determine whether or not the provisions of the Building or Zoning Codes would be violated by the installation of the telephone, and particularly, set back requirements, use restrictions, restrictions as to attachments to structures, and if located in a parking lot, the Zoning requirement that a specified number of parking spaces be available for use by the business. These officials shall notify the Director in writing of any objections to the permit within thirty days after receiving the application.

(e) If an application for a permit is for the placement of a pay telephone in a design review district, then the Commissioner shall also refer it to the City Planning Commission or Landmarks Commission, whichever is applicable, and that commission shall notify the Director in writing of any objections to the permit within thirty days after receiving the application. In deciding whether or not to object to the issuance of the permit, the City Planning Commission or Landmarks Commission, acting in accordance with its rules and regulations, shall consider whether the placement of the phone is consistent with the design review standards for the district; whether it is consistent with other streetscape elements in the vicinity and any overall streetscape plan for the district; whether there have been streetscape improvements in the area such as special lighting, landscaping, pavers, and the like; whether there is any visual clutter concerns if a pay telephone is

installed; and whether there are any architectural or historical considerations. As used in this division, "design review district" means any area in which building permits require review and approval of either the City Planning Commission or the Landmarks Commission.

(f) A permit application shall be disapproved if a telephone has been determined to be a nuisance pursuant to this Chapter within 500 feet of the proposed telephone location within the previous two years, and may be disapproved if the applicant has violated this Chapter within the previous one year.

(g) Upon receipt of a completed application that demonstrates that the telephone will be in compliance with this chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone permit and shall provide the owner with a label to be affixed to each telephone identifying the registration number and location of the telephone. The Commissioner shall ordinarily approve or disapprove a permit within 45 days of the receipt of a completed application and fee, unless the exercise of due diligence by the Commissioner requires that a longer period of time be taken. A telephone for which a permit is issued shall be installed within 30 days of the issuance of the permit or the permit is void and no longer effective. No refund of permit fees shall be given if the permit becomes void.

Section 2. That existing Sections 670B.02 and 670B.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1989-01, passed October 22, 2001, and existing Section 670B.05 thereof, as amended by Ordinance No. 2393-02, passed February 3, 2003, are repealed.

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

Passed April 5, 2004.

Effective April 8, 2004.

Ord. No. 584-04.

By Council Member Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Custom Enrichment Program for the Forest Hills Parkway Empowerment Program through the use of Ward 9 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 effective January 1, 2004 to December 31, 2004 with the Cleveland Church of Christ Custom Enrichment Program for the Forest Hills Parkway Empowerment Program

for the public purpose of providing comprehensive social support programs for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$18,600 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 April 5, 2004.

Effective April 8, 2004.

Ord. No. 585-04.

By Council Member Conwell.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 493-04, passed March 22, 2004 as it pertains to the Understanding the Law Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the title and Section 1 of Ordinance No. 493-04, passed March 21, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Consumer Affairs to enter into an agreement with the Garrett Square Development Corporation for Understanding the Law Program through the use of Ward 9 Neighborhood Equity Funds.

Section 1. That the Director of Consumer Affairs is authorized to enter into an agreement with the Garrett Square Development Corporation for the Understanding the Law Program for the public purpose of providing legal educational seminars for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the title and Section 1 of Ordinance No. 493-04, passed March 21, 2004 are hereby repealed.

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 April 5, 2004.

Effective April 8, 2004.

Ord. No. 586-04.

By Council Member Pierce Scott.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Glenville Development Corporation for the Glory Girls Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Glenville Development Corporation for the Glory Girls Program for the public purpose of providing after-school educational activities for public school students 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 \$5,300 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 April 5, 2004.

Effective April 8, 2004.

Ord. No. 587-04.

By Council Member Pierce Scott.
An emergency ordinance to amend the Title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002 as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 as it relates to the Community Parenting Program that is being funded through Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002, as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Church of Christ Custom Enrichment Program for the Community Parenting Program through the use of Ward 8 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Church of Christ Custom

Enrichment Program effective from September 1, 2002 to June 30, 2004 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 \$34,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 2338-02, passed November 25, 2002, as amended by Ordinance No. 256-03, passed February 24, 2003, and as amended by Ordinance No. 345-04, passed March 8, 2004 are hereby repealed.

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

Passed April 5, 2004.

Effective April 7, 2004.

Ord. No. 588-04.

By Council Member Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Antwon V. Jenkins).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business district, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Antwon V. Jenkins at the corner of East 30th Street and Central and Cedar Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

Passed April 5, 2004.

Effective April 8, 2004.

Ord. No. 594-04.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the American Memorial 5K Run & Walk, May 29, 2004 sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Memorial 5K Run & Walk, sponsored by Hermes Sports & Events on May 29, 2004, beginning at the Chop House on St. Clair Avenue, St. Clair to West 3rd, West 3rd to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to Al Lerner Way, around Browns Stadium, return to finish at the Chop House, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
 Effective April 8, 2004.

Ord. No. 595-04.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the USO Run for the Troops, June 12, 2004 sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the USO Run for the Troops, sponsored by Hermes Sports & Events on June 12, 2004, beginning at the US Naval Reserve, North Marginal west to East 9th, East 9th south to Lakeside, Lakeside west to City Hall, turn around, Lakeside east to East 9th north to Erieside, west to Al Lerner Way and West 3rd, around Browns Stadium to Erieside east to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the partici-

pants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
 Effective April 8, 2004.

Ord. No. 596-04.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Visiting Nurses Association Healthy Steps 5K Run & 2 Mile Walk, June 19, 2004 sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Visiting Nurses Association Healthy Steps 5K Run & 2 Mile Walk, sponsored by Hermes Sports & Events on June 19, 2004, starting at East 22nd at Woodland, East 22nd to Community College, Community College to East 24th, East 24th to Central, Central to East 22nd, East 22nd to Carnegie, Carnegie to East 9th, East 9th to Euclid, Euclid to East 21st, East 21st to Carnegie, Carnegie to East 22nd East 22nd to Woodland, finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
 Effective April 8, 2004.

Ord. No. 597-04.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the National Multiple Sclerosis Society Walk, April 18, 2004 sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the National Multiple Sclerosis Society Walk sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society on April 18, 2004, with the full walk route beginning at Nautica Entertainment Complex in the Flats, follow Washington (north side) to Center Street, turn left onto Center Street (east side), follow to Merwin Avenue, turn left onto Merwin Avenue (south side), walk past Heritage Park which comes into Old River Road, remain on west side of Old River Road until Main Street, cross from west side to east side of Old River Road at Main Street, handicap pick up continue to Front Street, turn right onto Front Street (south side), follow Front to West 9th, turn right onto West 9th (west side), continue to West 9th, turn left onto W. Lakeside Avenue (south side), continue to W. Lakeside, turn left onto West 3rd (east side), rest stop #1 handicap drop off Huntington Park, west 3rd becomes Erieside Avenue, (walk on the inside of the curve), where Erieside turns east to pass the Science Museum and the Rock & Roll Hall of Fame, walk on the north side, follow Erieside to East 9th turn right onto East 9th Street (west side), continue on East 9th until Lakeside, turn right onto Lakeside Avenue (north side), follow Lakeside Avenue until Ontario, turn left onto Ontario (east side), continue on Ontario until Superior, turn left onto Superior (north side), continue on Superior until East 12th, turn right onto East 12th (west side), follow East 18th until Euclid Avenue, turn left onto Euclid Avenue (south side), rest stop #2 at the Firststar Plaza, follow Euclid Avenue (south side) to East 9th, turn left onto East 9th (west side), follow East 9th until Carnegie turn right onto Carnegie (north side), continue to Carnegie until Ontario turn right onto Ontario (east side), follow Ontario to Public Square, walk on the east side of Ontario until you reach Euclid Avenue, cross to the west of Euclid and Ontario continuing on Ontario, go north to Superior turning west (north side) this brings you to the northwest Quadrant of Public Square, rest stop #3, follow Superior to West 6th (north side), turn right onto West 6th (west side), continue on West 6th until Lakeside Avenue, turn left onto Lakeside Avenue (south side), continue on Lakeside Avenue walking under the bridge until West 9th, turn right onto West 9th (north side), follow West 9th until Front Street turn left onto Front Street (north side), follow Front Street down the hill to Old River Road, turn south onto Old River Road (west side), continue walking south to Merwin Avenue past Heritage Park (south side), follow Merwin to Center Street, turn right onto Center Street (east side), continue to Center Street until Washington, turn right onto Washington Streete (north side) and follow straight into Nautica; the short walk begins at Nautica Entertainment Complex in

the Flats, follow Washington (north side) to Center Street, turn left onto Center Street (east side), follow to Merwin Avenue turn left onto Merwin Avenue (south side) walk past Heritage Park which comes into Old River Road remain on west side of Old River Road until Main Street, cross from west side to east side of Old River Road at Main Street handicap pick up, continue to Front Street turn right onto Front Street (south side), follow Front to West 9th, turn right onto West 9th, (west side), continue to West 9th, turn left onto West Lakeside Avenue (south side), continue to West Lakeside turn left onto West 3rd (east side) rest stop #1 handicap drop off Huntington Park, West 3rd becomes Erieside Avenue, (walk on the inside of the curve), where Erieside turns East to pass the Science Museum and the Rock & Roll Hall of Fame walk on the north side, follow Erieside to East 9th turn right onto East 9th Street (west side), continue on East 9th until Lakeside, turn right onto Lakeside Avenue (north side), follow Lakeside Avenue, continue to Lakeside Avenue walking under the bridge until West 9th, turn right onto West 9th (north side), follow West 9th until Front Street, turn left onto Front Street (north side), follow Front Street down the hill to Old River Road, turn south onto Old River Road (west side), continue walking south to Merwin Avenue past Heritage Park (south side), follow Merwin to Center Street, turn right onto Center Street (east side), continue on Center Street until Washington, turn right onto Washington Street (north side), and follow straight to Nautica, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
Effective April 8, 2004.

Ord. No. 598-04.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the March of Dimes Walk, on May 2, 2004, sponsored by the March of Dimes.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this

Council consents to and approves the holding of the March of Dimes Walk on May 2, 2004, starting at Jacobs Field, exit onto East 9th Street, head north on East 9th, staying on west side of street, continue north on East 9th Street, crossing Bolivar Road, Prospect Avenue, Euclid Avenue, short Vincent and Superior Avenue, after crossing Superior Avenue at East 9th, turn right and cross East 9th Street and walk east (on the north side of Superior) to East 12th Street, cross East 12th Street (Charter One Check Point), and turn left (heading north), cross Rockwell, St. Clair Avenue to Lakeside Avenue, cross Lakeside Avenue and turn left (heading west), at Lakeside and East 9th (National City Bank Check Point), turn right and stay on east side of East 9th Street, walk north, crossing Shoreway entrance and exit ramps into Inner Harbor, follow along brick walkway of the Inner Harbor under the Rock-n-Roll Hall of Fame, past the Great Lakes Science Center to Cleveland Browns Stadium, Boudreau Boulevard and Erieside Avenue (Cleveland Browns Check Point), turn left (south) onto Erieside and follow past the east side of Cleveland Browns Stadium around to East 9th Street, turn right on East 9th Street and head south on the west side of East 9th Street to Lakeside Avenue, cross Lakeside Avenue, turn right, head west, cross East 6th to Victory Mall, turn left and proceed through Victory Mall, cross St. Clair and continue through Victory Mall to Rockwell, turn right, follow Rockwell (staying on north side of street) to Ontario, (Key Bank Check Point), at Ontario turn left crossing Rockwell, continue south on Ontario through Public Square, crossing Superior Avenue, Euclid Avenue, Prospect Avenue to Huron Road, cross Huron Road and on south side of street turn left (east), continue on Huron to East 6th Street, turn right onto East 6th Street and follow back into Gateway Complex; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
Effective April 8, 2004.

Ord. No. 599-04.

By Council Members Jackson, Britt, Lewis, Pierce Scott, Cimperman, Cintron, Zone, Westbrook.

An emergency ordinance consenting and approving the issuance of a permit for the 27th RiteAid Marathon and 10K, April 25, 2004, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 27th RiteAid Marathon and 10K sponsored by Cleveland Marathon, Inc. on April 25, 2004, with the Marathon starting at St. Clair and East 13th Street, St. Clair to East 18th Street, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to Al Lerner Way, Al Lerner Way to West 3rd, West 3rd to Lakeside, Lakeside to west bound Shoreway, west bound Shoreway to Edgewater Drive exit, Edgewater Drive to West 117th, West 117th to Lake Avenue, Lake Avenue to Clifton east bound Shoreway entrance, east bound Shoreway to West 45th exit, West 45th to Franklin, Franklin to Fulton, Fulton to Lorain, Lorain to Carnegie, Carnegie to East 14th, East 14th to Euclid, Euclid to East 40th, East 40th to Chester, Chester to Euclid Avenue, Euclid to East Boulevard, East Boulevard to MLK, MLK to N. Marginal, N. Marginal to bike path, bike path through State park, fishing bridge to East 55th, East 55th to S. Marginal, S. Marginal to West 3rd on ramp, West 3rd ramp to West 3rd, West 3rd to Lakeside, Lakeside to West 9th, West 9th to Superior, Superior to West 3rd, West 3rd to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, finish; 10K starting at St. Clair & East 13th Street, St. Clair to East 18th, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to West 3rd (around stadium), West 3rd to Lakeside, Lakeside to west bound Shoreway on ramp, west bound Shoreway to West 28th exit ramp, West 28th to Detroit, Detroit to West 32nd, West 32nd to Franklin, Franklin to West 28th, West 28th to east bound Shoreway on ramp, east bound Shoreway to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 5, 2004.
Effective April 8, 2004.

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NO MEETINGS

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