

The City Record

Official Publication of the City of Cleveland

May the Twenty-Second, Nineteen Hundred and Ninety-Six

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44114
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	13726 Elsetta Avenue	44135
21	David McGuirk	17101 Amber Drive	44111

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

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

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

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

DEPT. OF PORT CONTROL - William F. Cunningham, Jr., Director,
Cleveland Hopkins International Airport, 5300 Riverside Drive;
Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner,
5600 Carnegie Avenue.
Streets - Randall T. Scott, Commissioner, Room 25
Engineering and Construction - J. Christopher Nielson, Acting
Commissioner, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, Commissioner, Harvard
Yards
Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH -Robert O. Staib, Director, Mural Building
1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural
Building, 1925 St. Clair Avenue
Environment - Carolyn Wallace, Acting Commissioner, Mural Building,
1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
field Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.
DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300
Ontario Street
Fire - Robert M. Derrit, Acting Chief, 1645 Superior Avenue
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne
Ave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS - Ralph R. Carpinelli,
Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort
J. Gilbert Steele, Laszlo V. Kemes, Secretary.

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

CLEVELAND LANDMARKS COMMISSION - Room 519 ,
Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert
Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison,
Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson,
Councilmen Craig E. Willis and Helen K. Smith.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 22, 1996

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CITY COUNCIL

MONDAY, MAY 20, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio May 20, 1996.

The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Smith, Westbrook, White, Willis, Zone.

Also present were Mayor White, Directors Sobol Jordan, Axelrod, Hamilton, Cunningham, Nolan, Staib, Spellman, Warren, Axelrod, Willis, Morrison and Acting Directors Carmody, Majer, Nielson, Holland, Daniely.

Absent: Directors Hyer, Konicek, Guzman and Denihan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Father Richard Evans of St. Vitus Church. Pledge of Allegiance.

MOTION

On the motion of Mr. Coats, the reading of the minutes of the last meeting be dispensed with and the journal approved.

COMMUNICATIONS

File No. 904-96.

From the Division of Assessments and Licenses re:Final Assessment Report for Vault Reconstruction (Prospect Avenue and Huron Road). Received.

File No. 905-96.

From the Division of Assessments and Licenses re:Final Assessment Report for Vault Reconstruction (Prospect Avenue, Huron Road and East 4th Street). Received.

File No. 906-96.

From the Division of Assessments and Licenses re:Final Assessment Report for Vault Reconstruction

(Old River Road from St. Clair Avenue, extending north to Front Street). Received.

File No. 907-96.

From The Richard E. Jacobs Group re:Independent Auditors' Report (in accordance with the Financial Agreements). Received.

File No. 908-96.

From Vorys, Sater, Seymour and Pease re: Case No. 89-362-HT-AEC, Cleveland Thermal Energy Corporation/The Caxton Building - Property Operations, Inc., Trustee. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 909-96.

Re: Transfer of Location Application - 7463030001 - Roger's Short Stop, Inc. dba Roger's Short Stop, 18414 St. Clair Avenue. (Ward 11). Received.

File No. 910-96.

Re: Transfer of Ownership Application - 4637367 - Kamio Kim dba Mugshot Tavern, 5504 Harvard Avenue (Ward 12). Received.

File No. 911-96.

Re: Transfer of Ownership Application - 1402396 - Sukhdev S. Chauhan dba Tower Food Mart, 4519 Bush Avenue, N.E. Building, first floor. (Ward 16). Received.

File No. 912-96.

Re: New Application - 6857735 - Petro Barrels, Inc. dba East 93rd Sunoco, 3363 East 93rd Street. (Ward 5). Received.

File No. 913-96.

Re: Transfer of Ownership Application - 8142979 - Signoviccas, Inc. dba Quinn's, 783 East 185th Street, Rear/779 East 185th Street, first floor and basement. (Ward 11). Received.

File No. 914-96.

Re: Transfer of Ownership Application - 3230948 - Glunz Cafe, Inc. dba Glunz Cafe, 3309 West 105th Street. (Ward 19). Received.

STATEMENT OF WORK ACCEPTED

File No. 915-96.

From the Department of Port Control re:Contract No. 49110 for the installation of Headache Bars. Received.

File No. 916-96.

From the Department of Port Control re:Contract No. 47575 for the rehabilitation of Runway 5L-23R, Phase I. Received.

File No. 917-96.

From the Department of Port Control re:Contract No. 48309 for the rehabilitation of Runway 5L-23R, Phase II. Received.

CONDOLENCE RESOLUTION

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

Res. No. 954-96. Rev. Emery Woods.

CONGRATULATORY RESOLUTIONS

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

Res. No. 967-96. Cleveland Chapter of the Alabama Club-Family Reunion.

Res. No. 968-96. Assistant Pastor Gary Georgi.

Res. No. 969-96. Mr. and Mrs. Wise Bradford.

Res. No. 970-96. Rev. William Tezie.

RESOLUTIONS OF RECOGNITION

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

Res. No. 971-96. Mrs. Ellen Guenther.

Res. No. 972-96. Lena Siewiorek.

Res. No. 973-96. Mrs. Lila Mae Hatney.

Res. No. 974-96. 1995-96 Jail Division Graduation Class.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 918-96.**

By Councilmen Coats and Rokakis (by departmental request).

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

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of trucks, vans, passenger cars and heavy equipment for use by the various departments and divisions of the City, excluding the Department of Public Utilities, as set forth in detail on the attachment to Request No. 20006 on file in the office of the Division of Purchases and Supplies. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 2. That pursuant to Section 108(b) of the Charter, the purchases, leases or leases with option to purchase authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Ser-

vice may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts, and may enter into contract with the vendors selected through that cooperative process.

Section 3. The cost of said contract shall be paid from Fund Nos. 10 SF 006, 54 SF 001, 60 SF 001, 10 SF 027, 10 SF 025 and 81 SF 001. (RL 20006)

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

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

Ord. No. 919-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install a telecommunications system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a telecommunications system at various Cleveland Public Power locations, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 58 SF 001 and 58 SF 211, Request No. 22101.

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

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

Ord. No. 920-96.

By Mayor White.

An emergency ordinance authorizing the Mayor to apply for and accept a grant from the United States Department of Commerce, Minority Business Development Center for the operation of the 1996-97 Minority Business Development Center.

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

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

Section 1. That the Mayor is hereby authorized to apply for and accept a grant in the amount of \$108,498, from the United States Department of Commerce, Minority Business Development Center, for the operation of the 1996-97 Minority Business Development Center, for the purposes set forth in the application and according thereto; that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 920-96-A, made a part hereof as if fully rewritten herein, including the obligation to devote program income from clients fees, estimated at \$17,500.00 for said program, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$86,557.00 from Fund No. 01-13-02-0901.

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.

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

Ord. No. 921-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs. CDBG Year XXII.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with the following agencies to provide social service programs:

Section 2. That the City Departments implementing the Community Development Block Grant social service programs are hereby authorized to enter into contract with non-profit agencies providing social services.

Section 3. That the aggregate cost of the contracts authorized in Sections 1 and 2 of this ordinance shall be in an amount not to exceed \$3,080,000.00, and shall be paid from Fund Nos. 14 SF 021 and 14 SF 022, Request Nos. 22373, 22374 and 22375.

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

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

Ord. No. 922-96.
By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is hereby authorized to expend funds and to enter into contracts with various housing development entities, or their designees, including those listed below, for the purpose of implementing the Housing Trust Fund Program:

Section 2. Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to homebuyers.

Section 3. That the cost of said contracts shall be in an amount not to exceed \$4,700,000.00, and shall be paid from Fund Nos. 13 SF 855, 14 SF 021 and 14 SF 022, Request No. 22371.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

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

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

Ord. No. 923-96.
By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities, CDBG Year XXII.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with the following agencies to provide housing, commercial, industrial and real estate development activities:

Section 2. That the cost of said contracts shall be in an amount not to exceed \$2,236,000.00, and shall be

paid from Fund Nos. 14 SF 021 and 14 SF 022, Request Nos. 22369 and 22370.

Section 3. That the Director of Community Development is authorized to accept program income and to deposit that program income in Fund No. 14 to be used a revolving fund to finance additional housing, commercial, industrial and real estate development activities.

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

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

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

Ord. No. 924-96.
By Councilmen Jackson, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with National City Bank for approximately 12.6 acres of City-owned property located in the Village of Highland Hills, with an option to purchase for an additional 15.0 acres within the first five years; and a right of first refusal to purchase the additional 13.0 acres for another five years.

Whereas, the City of Cleveland (the "City") desires to develop a Cleveland Enterprise Park on approximately 80 acres of land situated in the Village of Highland Hills (the "Village") along Harvard Road, between Green and Northfield Roads (the "Property"), and has contracted with an engineering consultant to prepare a Master Plan for the commercial development of the Property; and

Whereas, the City and the Village have agreed to enter into a Joint Development Economic Zone Agreement whereby the 80 acres of City owned land in the Village shall be rezoned for light industrial manufacturing uses; and

Whereas, National City Bank, a national banking association, has proposed to purchase from the City 12.6 acres of land (Sale Parcel) in order to construct a multi-story office building to serve as a bank operations center or such other office uses as are permitted such an association, which National City estimates will house 500 National City employees; and

Whereas, National City Bank, in consideration for payment of \$54,000.00 and other valuable consideration, will receive an option to purchase an additional 13.0 acres of land (Option Parcel) on which it may construct a second multi-story office building to serve a substantially similar purpose; and

Whereas, in addition, the City will grant National City Bank a right of first refusal exercisable on the Option Parcel during years 6-10 from the date of purchase by National City Bank of the Sale Parcel; and

Whereas, National City projects a need for a third such building at this location, with the three buildings housing an estimated total of 1200 additional National City employees; and

Whereas, National City will organize a partnership among Cuyahoga County Community College, the Cleveland Public Schools, Warrensville Heights Public Schools, and other institutions to recruit and place Cleveland residents in permanent jobs created by National City at the new facility; and

Whereas, the portions of the Property to be sold or optioned for sale to National City Bank are no longer needed for public use; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 1834 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor of the City of Cleveland and the Directors of Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the following described property to National City Bank for the development of an office building to serve as a bank operations center and other office uses as are permitted a national banking association, which property is determined to be no longer needed for public use:

Light Industrial Parcel 3

Situated in the Village of Highland Hills, the County of Cuyahoga and State of Ohio and known as being a part of Original Lots No. 77 in original Warrensville Township and more fully described as follows:

Beginning at an iron pin monument found at the intersection of the centerline of Harvard Road (80 feet wide) and Green Road (80 feet wide).

Thence South 00° 12' 39" East, along the centerline of said Green Road, 401.63 feet to an iron pin monument found on the Northerly line of said Original Lot No. 77.

Thence continuing along said centerline, South 00° 01' 56" West, 514.91 feet to a point.

Thence North 89° 58' 04" West, 40.00 feet to a point on the Westerly right of way line of Green Road and the true place beginning on this parcel of land;

Thence South 00° 01' 56" West, along said Westerly right of way line, 598.66 feet to a point;

Thence West, along the Northerly line of a proposed cemetery, 850.00 feet to a point;

Thence North 00° 01' 56" East, 708.31 feet to a point on the proposed Southerly right of way line of Millcreek Boulevard;

Thence South 79° 57' 53" East, along said Southerly right of way, 430.82 feet to a point of curve;

Thence following the arc of a curve to the left, having a central angle of 10° 02' 07", a radius of 297.94 feet, a chord distance of 52.12

feet and a chord bearing of South 84° 58' 57" East, the arc distance of 52.18 feet to a point;

Thence East, continuing along said Southerly right of way, 343.79 feet to a point of curve;

Thence following the arc of a curve to the right, having a central angle of 90° 01' 56", a radius of 30.00 feet, a chord distance of 42.44 feet and a chord bearing of South 44° 59' 02" East, the arc distance of 47.14 feet to a point and the true place of beginning and containing 12.675 acres, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, State of Ohio, in May 1995, but subject to all legal roads, highways and easements of record.

The basis of bearing of this description is assumed and used to denote angles only.

Section 2. That the Project Agreement shall provide that National City Bank shall have an option to purchase the Option Parcel, as described below in this section, which option expires at the end of the "Option Period" which shall be the first 5 years from the date of the recording of conveyance of Sale Parcel from the City to National City Bank ("Conveyance Date"); and a right of first refusal exercisable to purchase the Option Parcel beginning six (6) years from the Conveyance Date and ending at the end of the tenth (10) year from the Conveyance Date (the "Period of the Right of First Refusal").

Light Industrial Parcel 3A

Situated in the Village of Highland Hills, the County of Cuyahoga and State of Ohio and known as being a part of Original Lots No. 77 in original Warrensville Township and more fully described as follows:

Beginning at an iron pin monument found at the intersection of the centerline of Harvard Road (80 feet wide) and Green Road (80 feet wide).

Thence South 00° 12' 39" East, along the centerline of said Green Road, 401.63 feet to an iron pin monument found on the Northerly line of said Original Lot No 77.

Thence continuing along said centerline, South 00° 01' 56" West, 1113.58 feet to a point.

Thence North 89° 58' 04" West, 40.00 feet to a point on the Westerly right of way line of Green Road.

Thence West, along the Northerly line of a proposed cemetery, 850.00 feet to a point and the true place of beginning of this parcel of land;

Thence continuing West, along said proposed cemetery, 789.15 feet to a point;

Thence North 03° 12' 13" East, 733.10 feet to a point on the proposed Southerly right of way line of Millcreek Boulevard;

Thence following the arc of a curve to the left, having a central angle of 11° 07' 20", a radius of 642.50 feet, a chord distance of 124.53 feet and a chord bearing of North 84° 25' 20" East, the arc distance of 124.72 feet to a point;

Thence North 78° 52' 40" East, along said Southerly right of way, 100.00 feet to a point of curve;

Thence along said Southerly right

of way, following the arc of a curve to the right, having a central angle of 21° 09' 27", a radius of 557.50 feet, a chord distance of 204.70 feet and a chord bearing of North 89° 27' 23" East, the arc distance of 205.87 feet to a point;

Thence South 79° 57' 53" East, continuing along said Southerly right of way, 326.83 feet to a point;

Thence South 00° 01' 56" West, 708.31 feet to a point and the true place of beginning and containing 13.197 acres, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, State of Ohio, in May 1995, but subject to all legal roads, highways and easements of record.

The basis of bearing of this description is assumed and used to denote angles only.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Property Parcel described in Section 1 of this ordinance at a price not less than Sixty Thousand Dollars (\$60,000.00) per acre of the Sale Parcel taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the Option Parcel to National City Bank during the Option Period, at a price not less than Sixty Five Thousand Dollars (\$65,000.00) per acre, which this Council determines to be the fair market value of the Option Parcel during the Option Period, taking into account all restrictions and encumbrances placed by the City of Cleveland in the deed of conveyance.

That during the Period of the Right of First Refusal, the Commissioner of Purchases and Supplies is authorized to sell the Option Parcel to National City Bank at a price not less than fair market value as will be determined by Council by appropriate legislation.

Section 5. That the conveyances to National City Bank shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 6. That all proceeds from the sale of the Sale Property and the Option Property shall be paid into Fund No. 17 SF 684, to be credited toward costs of certain infrastructure roads and utilities to the Property.

Section 7. That the Project Agreement shall be prepared by the Director of Law, substantially in the form set forth in File No. 924-96-A, and shall contain a provision requiring National City Bank to complete construction of a multi-story office building to serve as a bank operations center, or such other office uses as are permitted a national banking association, on the Sale Parcel within five (5) years of the Conveyance Date.

The Project Agreement shall further contain a provision requiring National City Bank to complete construction of a second multi-story

office building to serve a substantially similar purpose within five (5) years from the date of conveyance of the Option Parcel to National City Bank.

Section 8. That the Project Agreement may also provide for the City to pay for the installation of certain infrastructure, roads, and utilities to the Sale Parcel and Option Parcel, which costs shall be paid out of Fund No. 17 SF 684, in an amount equal to or not to exceed the proceeds from the sale to National City Bank of the Sale Parcel and Option Parcel.

Section 9. That the Project Agreement shall contain the following Equal Employment Opportunity, Affirmative Action, and MBE/FBE employment goals: National City Bank shall use best efforts to ensure (i) construction contracts, service contracts, professional services contracts, and supplies and purchases orders let on the project by it, its developer or by its general contractor by 30% certified Minority Business Enterprises ("MBE") and 10% certified Female Business Enterprises ("FBE"); and (ii) construction jobs created by the project be provided to at least 22.6% minorities in each trade, and 6.9% females in each trade.

Section 10. That the Project Agreement and deed shall contain such other provisions as the Law Director deems necessary and appropriate to protect the City's interests.

Section 11. That the Mayor, Directors of Law, Parks, Recreation and Properties and Economic Development are authorized to execute such documents, instruments, and certificates and take such other actions as may be necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance, and to effectuate the installation of the infrastructure, roads and utilities associated with Cleveland Enterprise Park.

Section 12. That the Directors of Law, Parks, Recreation and Properties and Economic Development are authorized to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, engineering and architectural consultants, and other professional services necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance. These fees shall be paid from Fund No. 17 SF 305.

Section 13. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 925-96.

By Councilmen Johnson, McGuirk and Rokakis (by departmental request).

An emergency ordinance to amend Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 308-96, passed April 1, 1996, relating to parking fees.

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

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

Section 1. That Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 308-96, passed April 1, 1996, is hereby amended to read as follows:

Section 133.33 Parking Fees.

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges at the following parking facilities in accordance with the following schedule:

(1) **Willard Park Garage:**

In divisions (a)(1)A. through (a)(1)F., the rate listed is effective upon the reopening of Willard Park Garage after completion of the improvements.

A.	First hour or portion thereof	\$2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to 11:00 p.m.	up to 8.10
D.	Additional overnight charge from 11:00 p.m. to 6 A.M.	up to 8.10
E.	General monthly rate	up to 143.52
F.	Special monthly rate for City employees and non-City governmental employees	up to 92.59
G.	Special events (flat rate - pay enter)	up to 10.00
H.	Charge for lost or stolen key card	50.00
I.	Returned check charge	15.00
J.	Late payment charge	5.00
K.	Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties	up to 8.00

(2) **Cleveland Convention Center Garage:**

A.	First hour or portion thereof	2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to 11:00 p.m.	up to 7.18
D.	Additional overnight charge from 11:00 p.m. to 6 A.M.	up to 7.18
E.	General monthly rate (the number of key cards may be limited at the discretion of the Commissioners of the Convention Center and Parking Facilities)	up to 157.41
F.	Special events (flat rate - pay enter)	up to 10.00
G.	Charge for lost or stolen key card	50.00
H.	Returned check charge	15.00
I.	Late payment charge	5.00
J.	Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties	up to 8.00

(3) **Canal Basin Lot:**

A.	Daily rate from 6 A.M. to 6:00 P.M. (flat rate - pay enter)	up to 1.85
B.	General monthly rate (weekdays between 6 A.M. and 6 P.M.)	37.04
C.	Special events, weekdays between 6:00 P.M. and 6 A.M., weekends and holidays (flat rate - pay enter)	up to 10.00
D.	Returned check charge	15.00
E.	Late payment charge	5.00
F.	Charge for lost or stolen key card	50.00

(4) **North Coast Municipal Parking Lot:**

A.	Daily rate (flat rate - pay enter)	up to 2.08
B.	Special monthly rate — City of Cleveland employees	up to 20.00
C.	General monthly rate — non-City of Cleveland employees	up to 41.67
D.	Special events (flat rate - pay enter)	up to 10.00
E.	Charge for lost or stolen key card	50.00
F.	Returned check charge	15.00
G.	Late payment charge	5.00

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Parks, Recreation and Properties up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Cleveland Convention Center Garage, Canal Basin Lot and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 6 P.M. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, North Coast Municipal Parking Lot, shall be credited to the Division of Parking Facilities Enterprise Fund for general operations. Fees collected from the Convention Center Garage shall be credited to the Convention Center Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities is authorized to enter into an agreement with the Commissioner of the Convention Center for the operations, management and collection of parking fees at the Convention Center Garage.

(f) The Commissioner of Parking Facilities shall fix and collect such fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until such time as the Council and the Board of Control fix fee schedules for such parking facilities.

(g) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Parks, Recreation and Properties to City employees with the greatest number of years seniority as a City employee;

(2) Designate at least ten (10) parking spaces located either in the North Mall Lot or in Willard Garage for City employees to park their vehicles at no cost for a maximum of forty-five (45) minutes when required by their jobs to visit City Hall for a short period of time during the work day; and

(3) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who commence work at 3:00 p.m. or later and work later than the closing of Willard Garage.

Section 2. That existing Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 308-96, passed April 1, 1996, is hereby repealed.

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

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

Ord. No. 926-96.
By Councilmen Miller, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Actron Manufacturing Company, or its designee, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio has determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Actron Manufacturing Company (the "Enterprise") has proposed to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Actron Manufacturing Company, or its designee(s), for enterprise zone incentives on the basis that Actron Manufacturing Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the city of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Actron Manufacturing Company, or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new building and purchase new machinery, equipment, furniture and fixtures in the Cleveland Business Park on Westport Avenue, in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

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

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

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

Ord. No. 927-96.
By Councilmen Miller, McGuirk and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.14 thereof, relating to applying for and accepting FAA grant 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 139.14 to read as follows:

Section 139.14 Applying for and Accepting FAA Grant Funds

(a) The Director of Port Control is hereby authorized to apply for and accept grants from the United States of America, acting through its Federal Aviation Administration ("FAA"), to fund projects related to the operations of Cleveland Hopkins International Airport and Burke Lakefront Airport. The Director is further authorized to file all papers and execute all documents necessary to apply for, accept and receive funds under said grants; provided that the City shall follow all applicable federal regulations, required by the FAA; and that any grant funds be and are hereby appropriated for the purposes set forth in the applications for said grants, or any amendments thereto, provided that no funds may be expended unless the project or purpose has been first specifically authorized by ordinance of Council.

(b) The Director of Port Control is authorized to pay cash match funds for projects approved by the FAA for grant funding. Said matching funds shall be paid from funds appropriated for the use of the Department of Port Control and any existing or future revenue bond funds, grant proceeds and PFC authorizations.

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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Legislation, Finance.

Ord. No. 928-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to refurbish the exterior of the Burke Lakefront Airport terminal building, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to refurbish the exterior of the Burke Lakefront Airport terminal building, including but not limited to sandblasting and painting, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Burke Lakefront Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 20854.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 929-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance determining the method of making the public improvement of removing asbestos and asbestos containing materials from various sites at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of removing asbestos and asbestos containing materials from various sites at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however,

that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 60 SF 114, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 20850.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 930-96.
By Councilmen Polensek, Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit and the Street Crime Unit, CDBG Year XXII.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXII, from the United States Government; and

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

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

Section 1. That the Director of Public Safety is hereby authorized to expend Community Development Block Grant funds in the amount of Two Million Dollars (\$2,000,000.00), from Fund No. 14 SF 022 Request No. 22372, for the Community Response Unit and the Street Crime Unit in conjunction with the Community Development Block Grant Program, Year XXII, and pursuant to the following schedule:

Personnel	\$2,000,000.00
Other	-0-

and that said Director and the Director of Community Development are hereby authorized to memorialize said expenditure through a memorandum of understanding.

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

Referred to Directors of Public Safety, Community Development, Finance, Law; Committees on Community Development, Public Safety, Finance, Law.

Ord. No. 931-96.
By Councilmen Polensek, Jackson, Rybka and Rokakis (by departmental request).
An emergency ordinance to appropriate property located at 15900 Lake Shore Boulevard (partial taking) and 16013-15 Damon Avenue for the public purpose of expanding the Humphrey Park Facility.

Whereas, the Council of the City of Cleveland, by Resolution No. _____, passed _____, declared the necessity and intention of appropriating the fee simple property interests herein described for expanding the Humphrey Park Facility; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

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

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

Section 1. That for the public purpose of expanding the Humphrey Park Facility, the following described fee simple interest be and the same hereby is appropriated:

16013 DAMON AVENUE
(VACANT LOT)

PPN: 113-13-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 12.5 feet of Sublot No. 416 and all of Sublot No. 415 in the Eastwood Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 31, Page 27 of Cuyahoga County Records, and together forming a parcel of land 37.5 feet front on the Northerly side of Damon Avenue, formerly Nansen Street, and extending back 101.31 feet on the Easterly line, 101.40 feet on the Westerly line, and having a rear line of 37.5 feet, as appears by said plat be the same more or less but subject to all legal highways.

15900 LAKE SHORE
BOULEVARD
(PARTIAL TAKING)

PPN: 113-13-029

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

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

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

Thence North 00° 00' 00" East

through said land conveyed to Montlack Management Co. 148.70 feet to a point;

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

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

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

Section 2. That the Director of Law be and hereby is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee

simple interest hereinbefore described.

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.

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

Ord. No. 932-96.

By Councilmen Robinson, McGuirk and Rokakis (by departmental request).

An emergency ordinance to amend Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2015-95, passed December 18, 1995, relating to food shop licenses and fees; food vehicle permit.

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

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

Section 1. That Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2015-95, passed December 18, 1995, is hereby amended to read as follows:

Section 241.05 Food Shop Licenses and Fees; Food Vehicle Permit.

(a) No food shop shall be operated without the person, firm, association or corporation conducting such business first applying for and obtaining an annual license issued by the Commissioner of Assessments and Licenses. No business vehicle used regularly for the transportation, delivery, vending or peddling of food except a commercial carrier transporting food incidental to other deliveries, shall transport, deliver, vend or peddle food in the City without the owner obtaining an annual food vehicle permit for such vehicle.

(b) For retail food handling establishments, the annual fee shall be twenty-five dollars (\$25.00) for less than 2,500 square feet of floor space. For floor space in excess of 2,500 square feet, the fee shall be thirty-five dollars (\$35.00).

(c) For a wholesale food handling establishment the annual fee shall be sixty dollars (\$60.00).

(d) For a food vehicle permit the annual fee shall be ten dollars (\$10.00).

(e) Food handling establishment licenses and food vehicle permits shall expire not later than March 31 of the next ensuing year after issuance, and they shall not be transferable.

(f) The holder of a food service operation license as defined by state law shall not be required to obtain a food handling establishment license for sale at retail, nor shall the holder of a wholesale food handling establishment license be required to obtain a license for sale at retail.

(g) Each application to the Commissioner of Licenses and Assessments for a food service operation license required pursuant to Section 3732.03 of the Revised Code shall be accompanied by a combined license and inspection fee as follows:

(1) Class I risk operations, which are food service operations that pose the smallest risk of foodborne disease:	Fee \$138.49
(2) Class II risk operations, which are food service operations that pose an intermediate risk of foodborne disease:	\$236.67
(3) Class III risk operations, which are food service operations that pose the greatest risk of foodborne disease:	\$361.28
(4) Mobile food service operations:	\$263.44
(5) Vending machine locations:	\$29.10
(6) Temporary food service operations:	\$20.00 per event
(7) Joint Vocational School Operations:	\$1.00

(8) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of water samples and frozen dessert samples taken from frozen dessert dispensing freezer from a food service operation in an amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(9) The Commissioner of Assessments and Licenses may also collect fees for plan reviews of new food service operations of an amount equal to thirty percent (30%) of the food service license fee for said operations, except for plans pertaining to mobile or temporary food service operations or vending locations.

(h) All food service operations shall be considered commercial operations for the purposes of this section, operations which are vending machine locations or vending machine commissary food service operations shall be considered as vending machines, temporary food operations shall be considered those food operations established for an event wherein the food operation does not exceed five consecutive days, and food services for joint vocational schools shall be considered joint vocational school operations.

(i) The Commissioner shall submit all applications for a food service operation license required pursuant to Section 3732.03 of the Revised Code to the Director of Public Health for approval or disapproval of such application.

(j) The Commissioner is authorized to collect license fees and deposit such fees into the Food Service Operations Fund created pursuant to Section 3732.04 of the Revised Code.

(k) The Commissioner shall transmit seventeen dollars of each license fee collected from a food service operation, except temporary operations, and four dollars and fifty cents of each license fee collected from a vending machine food service operation pursuant to this section to the Director of Health of the State of Ohio for deposit in the General Operations Fund created by Section 3701.83 of the Revised Code, in accordance with the requirements of Section 3732.04 of the Revised Code.

(l) (1) For purposes of this Section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in Ohio Revised Code 5739.02(B)(12), provided that the number of days on which such food handling and service operations operate does not exceed one hundred and four (104) days in any calendar year.

(2) Noncommercial organizations shall be charged fifty percent of the fees listed above, **except that non-commercial temporary food service operations shall pay the full fee.**

(m) A penalty of twenty five percent (25%) of any license fee required by this section must be paid prior to the issuance of the license if the required fee is not paid on or before the date it is due.

Section 2. That existing Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2015-95, passed December 18, 1995, is hereby repealed, as of and from May 10, 1996.

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.

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

Ord. No. 933-96.
By Councilmen Smith, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3104 Carroll Avenue to Gary M. Marich and Jill E. Huston-Marich.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 003-37-038, as more fully described in Section 2 below, to Gary M. Marich and Jill E. Huston-Marich.

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. 003-37-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly one-half of Sublot No. 211 in Barber and Lord's Allotment of part of Original Brooklyn Township Lot Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and being 32 feet front on the Northerly side of Carroll Avenue, N.W., and extending back of equal width 107 feet, 6 inches as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 934-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4509 Franklin Avenue to Dean Ducato.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 002-36-158, as more fully described in Section 2 below, to Dean Ducato.

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. 002-36-158

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 50 and 51 in Jacob Perkins Allotment of part of Original Brooklyn Township Lot Nos. 50 and 51, as shown by the recorded plat in Volume 1 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Northeast corner of said Sublot No. 50 it being the intersection of the Westerly line of West 45th Street (formerly Lamartine Street) and the Southeast corner of Franklin Boulevard, N.W. (formerly Prospect Street); thence South 70 degrees 40' 00" West 91.60 feet to the most Westerly corner of said Sublot No. 51; thence South 19 degrees 20' 00" East 78.00 feet along Southwesterly line of said Sublot No. 51 to a point; thence North 75 degrees 54' 17" East 62.17 feet to a point in said Westerly line of West 45th Street; thence North 0 degrees 11' 33" West 88.62 feet, along said Westerly line of West 45th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 936-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a contract without competitive bidding with International Business Machines Corporation for maintenance and usage of an IBM Model 3835 IBM non-impact printer, for the Division of Information Systems Services, Department of Finance.

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

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

Section 1. That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than International Business Machines Corporation. Therefore, the Director of Finance is authorized and directed to make a written contract with International Business Machines Corporation for the maintenance and usage of an IBM Model 3835 non-impact printer for the period commencing January 1, 1997, and expiring December 31, 1997, with one (1) option, exercisable by the Director of Finance, to renew for an additional consecutive term of one (1) year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21601.

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.

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

Ord. No. 937-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of insurance on computer equipment, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: insurance for computer equipment, for a one (1) year term commencing August 5, 1996, with two (2) options, exercisable by the Director of Finance, to renew for an additional consecutive one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21599.

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.

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

Ord. No. 938-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$18,605,000 for the purpose of providing funds to improve the municipal street system and related facilities, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with

the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is nineteen (19) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose and installing signs, signals, markings and other devices for traffic control purposes, together with off-street parking lot improvements to facilitate the flow of traffic, and together with the payment of all associated preliminary and computerization costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and to pay capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised

Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in nineteen (19) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than nineteen (19) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date

(the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest

date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or

portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow

Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent

available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the

Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also

hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of

Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their

annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance

with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.
(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal

amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Eighteen Million Six Hundred and Five Thousand Dollars (\$18,605,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and

denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year

or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated

other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates

of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the volun-

tary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 939-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,130,000 for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential areas and for paying capitalized interest and all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provi-

sions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential areas by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate, and for paying all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential Areas Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates

(taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory

Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Reg-

istrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest

accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pur-

suant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together

with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and deal-

ers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to

their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and

any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants

that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for

the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed One Million One Hundred and Thirty Thousand Dollars (\$1,130,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Residential Areas Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the

proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City.

In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidat-

ed issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are

appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous. (a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this sec-

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and

been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 940-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,160,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Three Million One Hundred and Sixty Thousand Dollars (\$3,160,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Three Million One Hundred and Sixty Thousand Dollars (\$3,160,000) for the purpose of providing funds for reconstructing, rehabilitating, remodeling, renovating and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, the Municipal Courts, fire stations and police, correctional and health facilities and the provision of the necessary furnishings, equip-

ment and site improvements for the purpose, and for paying capitalized interest and for paying all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount

of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory

Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i)

for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of

the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City,

the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with

respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do

so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any tran-

script certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for

that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on

the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocably provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-payment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Three Million One Hundred and Sixty Thousand Dollars (\$3,160,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemp-

tion by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation

and surrender of the Note at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are

for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making

payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or

parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 941-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance for the issuance and sale of bonds in the maximum principal amount of \$4,955,000 for the purpose of providing funds to improve municipal recreation facilities, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Four Million Nine Hundred and Fifty-five Thousand Dollars (\$4,955,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8,

1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Four Million Nine Hundred and Fifty-five Thousand Dollars (\$4,955,000) for the purpose of providing funds to improve municipal recreation facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, recreation centers and other buildings, structures and facilities, providing necessary furnishings, equipment and site improvements, together with all necessary and incidental appurtenances, in all cases, including the acquisition of any required real estate and interests in real estate, and to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the Bonds, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Revised Code and as permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Recreational Facilities Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear

interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty (20) substantially equal annual installments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates

pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by pas-

sage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) **Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available thereon on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein

shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section.

All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial

interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as pro-

vided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by

any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio. The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in

direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation

Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Four Million Nine Hundred and Fifty-five Thousand Dollars (\$4,955,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Recreational Facilities Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The

Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes

issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby

required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and

the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this

Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an

emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 942-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$45,000,000 to advance refund certain of the city's outstanding various purpose general obligation bonds issued in the years 1986, 1987, 1988, 1989 and 1990 and to pay expenses incurred in the issuance of those bonds and that refunding, and authorizing the execution and delivery of an escrow agreement and other agreements with respect to the bonds and the advance refunding.

Whereas, pursuant to Ordinance Nos. 1144-86, 1145-86, 1146-86, 1147-86, 1148-86 and 1149-86, all passed on June 9, 1986, Various Purpose General Obligation Bonds, Series 1986, in the aggregate principal amount of \$21,000,000, dated as of July 1, 1986 (the "1986 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$1,635,000 principal amount for the purpose of improving municipal recreational facilities by rehabilitating, furnishing, equipping and otherwise improving parks and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 1144-86) ("Project 1"); (ii) \$1,050,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities for the West Side Market, together with all appurtenances necessary and incidental thereto (Ordinance No. 1145-86) ("Project 2"); (iii) \$13,350,000 principal amount for the purpose of improving the municipal street system and related facilities and improving certain streets and expressways between certain termini, by widening, grading, draining, curbing and paving such streets and expressways, by resetting and constructing catch basins and storm drainage facilities in and under such streets and expressways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters and sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 1146-86) ("Project 3"); (iv) \$1,525,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and oth-

erwise improving and acquiring any necessary interests in real estate for facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 1147-86) ("Project 4"); (v) \$2,440,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving correctional facilities together with all appurtenances necessary and incidental thereto (Ordinance No. 1148-86) ("Project 5"); and (vi) \$1,000,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities related to the provision of services to the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 1149-86) ("Project 6"); and

Whereas, pursuant to Ordinance Nos. 397-87, 398-87, 399-87, 400-87, and 401-87, all passed on March 16, 1987, Various Purpose General Obligation Bonds, Series 1987, in the aggregate principal amount of \$18,000,000, dated as of June 1, 1987 (the "1987 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$2,905,000 principal amount for the purpose of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for pools, playgrounds and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 397-87) ("Project 7"); (ii) \$4,045,000 principal amount for the purpose of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for facilities related to the provision of services to the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 398-87) ("Project 8"); (iii) \$260,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving cemeteries and facilities for the Division of Urban Forestry, together with all appurtenances necessary and incidental thereto (Ordinance No. 399-87) ("Project 9"); (iv) \$7,535,000 principal amount for the purpose of improving the municipal street system and related facilities and improving certain streets and expressways between certain termini, by widening, grading, draining, curbing and paving such streets and expressways by resetting and constructing catch basins and storm drainage facilities in and under such streets and expressways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters and sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes together with all appurtenances necessary and incidental thereto (Ordinance No. 400-87) ("Project 10"); and (v) \$3,255,000 principal amount for the purpose of constructing fire stations and a dog pound garage and renovating, rehabilitating, furnishing, equipping and otherwise improving and acquiring any necessary interests in real estate for, facilities related to the protection of the safe-

ty and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 401-87) ("Project 11"); and

Whereas, pursuant to Ordinance Nos. 347-88, 348-88, 349-88, 350-88, 351-88 and 352-88, all passed on March 14, 1988, Various Purpose General Obligation Bonds, Series 1988, in the aggregate principal amount of \$20,500,000, dated as of May 1, 1988 (the "1988 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$6,970,000 principal amount for the purpose of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways, and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 347-88) ("Project 12"); (ii) \$4,675,000 principal amount for the purpose of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, playgrounds and recreation centers, together with all appurtenances necessary and incidental thereto (Ordinance No. 348-88) ("Project 13"); (iii) \$5,360,000 principal amount for the purpose of constructing and rehabilitating police and fire stations, and renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 349-88) ("Project 14"); (iv) \$525,000 for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities for administrative offices of the municipality, including City Hall, together with all appurtenances necessary and incidental thereto (Ordinance No. 350-88) ("Project 15"); (v) \$2,625,000 principal amount for the purpose of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the maintenance, repair and storage of vehicles and equipment of various City divisions, the maintenance of City streets, bridges, docks, and properties, and the provision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto (Ordinance No. 351-88) ("Project 16"); and (vi) \$345,000 principal amount for the purpose of renovating, rehabilitating, furnishing,

equipping and otherwise improving facilities related to the protection of the health of the public, together with all appurtenances necessary and incidental thereto (Ordinance No. 352-88) ("Project 17"); and

Whereas, pursuant to Ordinance Nos. 476-89, 477-89, 478-89 and 479-89, all passed on May 1, 1989, Various Purpose General Obligation Bonds, Series 1989, in the aggregate principal amount of \$59,530,000, dated as of August 16, 1989 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1989 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$5,330,000 principal amount for the purpose of providing funds to pay the costs of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 476-89) ("Project 18"); (ii) \$17,000,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the protection of the safety and property of the public, the maintenance, repair and storage of vehicles and equipment of various City departments, the maintenance of City streets, bridges, docks, and properties, the maintenance and installation of traffic control devices, and the provision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto (Ordinance No. 477-89) ("Project 19"); (iii) \$515,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, reinforcing, dredging, reclaiming, and otherwise improving, and acquiring any necessary interests in real estate for, pilings, docks, wharfs, piers, bulkheads, breakwalls, channels and bottom surfaces in and along the rivers, lakes, and lagoons located within or bounding the City of Cleveland or its facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 478-89) ("Project 20"); and (iv) \$5,230,000 principal amount for the purpose of providing funds to pay the costs of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interest in real estate necessary for such purposes and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurte-

nances necessary and incidental thereto (Ordinance No. 479-89) ("Project 21"); and

Whereas, pursuant to Ordinance Nos. 1786-A-90, 1787-A-90, 1788-A-90, 1789-A-90 and 1790-A-90, all passed on August 23, 1990, Various Purpose General Obligation Bonds, Series 1990, in the aggregate principal amount of \$26,645,000, dated as of October 1, 1990 (the "1990 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$11,330,000 principal amount for the purpose of improving the municipal recreational system, including certain recreation centers, pools, parks, playgrounds, playfields and other recreation facilities by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 1786-A-90) ("Project 22"); (ii) \$5,660,000 principal amount for the purpose of improving the municipal street system and related facilities, including certain streets and roadways between certain termini by the rehabilitation and resurfacing thereof, certain roadways, driveways and walkways located within or through City facilities by the rehabilitation and/or resurfacing thereof, certain signals pertaining to traffic control by the technological improvement thereof, and certain bridges by the reconstruction, renovation, repair and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto (Ordinance No. 1787-A-90) ("Project 23"); (iii) \$1,030,000 principal amount for the purpose of certain improvements related to urban redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, and the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, together with all appurtenances necessary and incidental thereto (Ordinance No. 1788-A-90) ("Project 24"); (iv) \$6,745,000 principal amount for the purpose of improving certain public service facilities, which address health, safety, service and welfare concerns, by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto (Ordinance No. 1789-A-90) ("Project 25"); and (v) \$1,880,000 principal amount for the purpose of improving the Cleveland Convention Center by the renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, together with all appurtenances necessary and incidental thereto (Ordinance No. 1790-A-90) ("Project 26"); and

Whereas, this Council finds and determines that (i) it is necessary and in the best interest of the City to advance refund the 1986 Various Purpose Bonds that are stated to mature on August 1, 1996, the 1987 Various Purpose Bonds that are stated to mature on August 1 in the years 1996 and 1997, inclusive, the

1988 Various Purpose Bonds that are stated to mature on August 1 in the years 1996 through 2002, inclusive, the 1989 Various Purpose Bonds that are stated to mature on July 1 in the years 1996 through 1999, inclusive, and the 1990 Various Purpose Bonds that are stated to mature on October 1 in the years 1996 through 2000, inclusive (those outstanding bonds, together with any other outstanding unvoted general obligation bonds of the City designated to be refunded pursuant to Section 1 are collectively referred to as the "Refunded Bonds"), and (ii) to issue the Bonds described in Section 1 to provide funds for that purpose, including the payment of any expenses relating to the advance refunding of the Refunded Bonds or the issuance of the Bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each of the Projects was, at the time the original indebtedness for each Project was incurred, at least five years, and that the maximum maturity of that portion of the Bonds to be allocated to each of the Projects is December 31 of the years set forth below for the respective Projects:

Project No.	Year of Last Maturity
1	2013
2	2014
3	2012
4	2014
5	2015
6	2014
7	2016
8	2016
9	2016
10	2013
11	2016
12	2009
13	2008
14	2012
15	2010
16	2012
17	2012
18	2010
19	2012
20	2014
21	2010
22	2014
23	2008
24	2026
25	2014
26	2015

Now, therefore, be it ordained by the Council of the City of Cleveland, Cuyahoga County, Ohio, that:

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to advance refund the Refunded Bonds which will enable the City to carry out certain amendments to Sections 179.01 through 179.18 of the

Codified Ordinances of the City (the "Sinking Fund Ordinance") and the General Bond Ordinance which are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Forty-Five Million Dollars (\$45,000,000) for the purpose of advance refunding the Refunded Bonds which, collectively, were issued for the purposes of providing funds to pay costs of Projects 1 through 26 as described above, including the payment of any expenses relating to the advance refunding of the Refunded Bonds and the issuance of the Bonds, including all financing costs within the meaning of Revised Code Section 133.15(B).

The aggregate principal amount of Bonds to be issued shall not exceed \$45,000,000 and shall be in an amount determined by the Director of Finance to be the aggregate principal amount of Bonds that are required to be issued, taking into account any discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses relating to the advance refunding of the Refunded Bonds and the issuance of the Bonds, which amount shall be set forth in the certificate providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Director of Finance may determine in the Certificate of Award that additional maturities or different maturities of the series of unvoted general obligation bonds of the City identified in the preambles of this Ordinance and issued for the purpose of providing funds to pay costs of Projects 1 through 26 may be refunded and thereby constitute Refunded Bonds; provided that in adding or changing such maturities the Director of Finance determines, based on written advice from the City's financial advisor, that advance refunding such maturities generates present value debt service savings to the City or otherwise is in the best interests of the City, taking into account all the factors that the Director of Finance and the City's financial advisor deem relevant to such determination.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Refunding Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on

that date. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date specified in the Certificate of Award, but in no event later than December 31, 1996. The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996, or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The Bonds shall mature in the years and principal amounts as shall be determined by the Director of Finance and specified in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than September 1, 1998, (iii) the final maturity date of the Bonds shall be no later than the last maturity permitted by law for the Refunded Bonds, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable, is not more than three times the amount of those payments for the Refunded Bonds in any fiscal year in which principal was payable on the Refunded Bonds.

The Director of Finance also shall determine, in the Certificate of Award or otherwise, on or prior to the date of delivery of the Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Bonds that is allocable to each Project, and the principal amount of Bonds allocated to each Project that shall be payable annually at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on each principal payment date; provided, that (i) the aggregate principal amount of the Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the advance refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Bonds that are available and appropriated for that purpose, (ii) no portion of the aggregate principal amount of Bonds allocated to a Project shall be payable later than the

maximum maturity for that portion of the Bonds as certified by the Director of Finance, and (iii) a portion of the aggregate principal amount of Bonds allocated to a Project shall be payable annually at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements on each principal payment date on which the Director of Finance determines in the Certificate of Award or otherwise that principal of Bonds allocated to that Project shall be payable.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund

Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation).

Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000

are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the

thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized

officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance: "Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another

Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp, NatCity Investments, Inc., and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement including: the principal amount of the Bonds, the final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), the interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and the portion of the principal amount of the Bonds allocable to each Project. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make

such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate. Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time

of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute an agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The City's performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in

preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. Pursuant to the General Bond Ordinance and in accordance with Chapter 179 of the Codified Ordinances, the proceeds of the Bonds (except for (a) accrued interest thereon and any premium and (b) the proceeds of the Bonds to be applied to pay costs of issuing the Bonds and refunding the Refunded Bonds, which amount shall be specified in the Certificate of Award), shall be deposited in a special and separate bank account with The Huntington National Bank, Cleveland, Ohio and held by that Bank as Escrow Agent, and shall be expended and applied, immediately upon receipt of such proceeds, in the manner provided by the General Bond Ordinance for the payment of debt service charges on the Refunded Bonds from and after the date of issuance of the Bonds to and including their respective maturity dates.

Pursuant to Section 133.34 of the Revised Code and this Ordinance, the proceeds so deposited and the investment income thereon are pledged for that purpose. Accrued interest and any premium received from the sale of the Bonds shall be transferred to the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds. The proceeds of the Bonds to be applied to pay the cost of issuing the Bonds shall be deposited in a separate account in the Bond Retirement Fund pending their application to the payment of such costs.

The Mayor and Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement (the Escrow Agreement) between the City and the Escrow Agent, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Mayor and Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the sign-

ing of the Escrow Agreement or amendments thereto. Notice of the advance refunding of the Refunded Bonds and any early redemption of Refunded Bonds shall be given in accordance with the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed in accordance with the ordinance authorizing the respective bonds and the Escrow Agreement. The Mayor and Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose.

If U.S. Treasury Securities — State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities - State and Local Government Series.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified

by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 10. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 11. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under

Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting

forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 12. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 13. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 14. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for each of the Bonds and the Notes to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 15. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 16. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is

intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 17. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the refunding of the Refunded Bonds which will enable the City to carry out certain amendments to the Sinking Fund Ordinance and the General Bond Ordinance and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 943-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$2,150,000 for the purpose of providing funds for improving the Cleveland Convention Center, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) (the "Bonds") to finance the cost of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and the maximum maturity of the Bonds is twenty-five (25) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83 passed on May 6, 1983 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance thereunder of unvoted general obligations of the City and the General Bond Ordinance was passed in contemplation of this Ordinance and other ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1, which are urgently needed

for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) for the purpose of providing funds for remodeling, renovating, rehabilitating, equipping, furnishing, and otherwise improving the Cleveland Convention Center, together with all appurtenances necessary and incidental thereto, and for paying all expenses incurred in connection with the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), and for paying capitalized interest and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of such bonds.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Convention Center Improvement Bonds, Series 1996". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of July 1, 1996 or such other date, but in no event later than December 31, 1996, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate of nine percent (9%) per year or at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed nine percent (9%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed nine percent (9%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on March 1 and September 1 of each year or on the first day of each of two months specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning September 1, 1996 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on September 1 in twenty-five (25) substantially equal annual install-

ments, beginning September 1, 1996, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date (hereinafter defined), (ii) the first principal payment on the Bonds shall be no earlier than September 1, 1996 and no later than August 1, 1998, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from the first principal payment date, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then

current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole on any date, or in part on any Interest Payment Date, on the dates and for the prices specified in the Certificate of Award, provided that the earliest date for such optional redemption shall be no later than the tenth anniversary of the first principal payment date and the maximum redemption price shall be no greater than 102% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of

Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall

continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance is hereby adopted by reference, and, except for the third paragraph of Section 13(a) of the General Bond Ordinance (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 of the General Bond Ordinance (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), which are not included in this Ordinance and will not apply to the Bonds, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated herein. Words and terms not otherwise defined herein shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile.

le seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

Star Bank, N.A., is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Registrar); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the Agreement) in substantially the form as is now on file with the Clerk of Council. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond

surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by

the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by such Trustees, shall be offered to the Treasury Investment Account for purchase and, if not purchased by such Account, shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc. and SBK-Brooks Investment Corp. (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance and the Original Purchaser's offer to purchase the Bonds as set forth in the Bond Purchase Agreement, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. If it is determined advisable by the Director of Finance for the sale of the Bonds, the Director of Finance is authorized to sign agreements with a municipal bond insurer issuing a policy of municipal bond insurance for the Bonds that are not materially inconsistent with this Ordinance. The Mayor,

Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript or proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Mayor and the Director of Finance are, and each of them is, hereby further authorized and directed to execute and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell and the Original Purchaser agrees to buy the Bonds, provided that such agreement shall not provide for or require the terms of the Bonds to be inconsistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is hereby determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Mayor and the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that Official Statement and any supplements thereto in connection with the original issuance of the Bonds, and each of those officers is authorized to sign on behalf of the City and in his or her official capacity, that Official Statement and any supplements thereto approved by such officer. Those officers are and each of them is authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate.

Such officers are also hereby authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule").

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance are authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 1996". Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as provided pursuant to the General Bond Ordinance which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25 and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.
(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) here-

of) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of non-presentment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) (the "Notes") upon the

direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding nine per cent (9%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the written advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Convention Center Improvement Bond Anticipation Notes, Series 1996"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

Star Bank, N.A., is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the Registrar); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the Note Registrar Agreement) providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the Note Register). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the reg-

istration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 1996". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Direc-

tor of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to Merrill Lynch & Co., Key Capital Markets, Inc., Banc One Capital Corporation, Huntington Capital Corp., NatCity Investments, Inc., and SBK-Brooks Investment Corp. (the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in the Unvoted Tax Supported Obligations Account, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds

as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 20. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 21. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County

Auditor of Cuyahoga County and to secure a receipt therefor.

Section 22. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 23. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 24. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 944-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance to amend sections 179.01, 179.03, 179.04, 179.09 and 179.11 of the codified ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1748-80, passed October 8, 1980, to amend Section 179.10, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1398-83, passed May 16, 1983, to amend Section 179.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1111-83, passed May 6, 1983, and to amend sections 1, 6, 9, and 17 of Ordinance No. 1749-80, passed October 8, 1980, all relating to the City's covenants under its

general bond ordinance; appointing a successor trustee under the general bond ordinance; and authorizing and approving related matters.

Whereas, pursuant to Ordinance No. 1748-80, passed by the Council of the City of Cleveland on October 8, 1980, as amended by Ordinance No. 1111-83, passed May 6, 1983, and Ordinance No. 1398-83, passed May 16, 1983, the City amended Sections 179.01 through 179.18 of the Codified Ordinances of Cleveland, Ohio, 1976, to provide that the City escrow its bond retirement fund (the "Sinking Fund") with the Escrow Agent (defined therein) to help restore the confidence of investors in the creditworthiness of the City, to establish a Reserve Account (as defined therein), to require that it be maintained at an amount equal to fifteen percent of the highest aggregate annual debt charges on all City voted and unvoted general obligation bonds and notes payable in any subsequent year, and to provide that moneys held therein shall be used for the payment of debt charges to the extent that moneys available in other accounts in the Sinking Fund are insufficient for such purposes; and

Whereas, the City's financial management and practices have improved and the confidence of investors in the creditworthiness of the City has been restored to the extent that the maintenance and funding of the Reserve Account in the Sinking Fund is no longer necessary to enable the City to issue general obligation debt under favorable terms to the City; and

Whereas, it is therefore desirable to amend various sections of Chapter 179 of the Codified Ordinances of Cleveland, Ohio, 1976, to eliminate the Reserve Account in the Sinking Fund and the requirement that the Reserve Account be funded; and

Whereas, the City covenanted in Ordinance No. 1749-80, passed October 8, 1980, as amended by Ordinance No. 1112-83, passed May 6, 1983 (the "General Bond Ordinance") to maintain the moneys and investments in the Sinking Fund in trust with the Escrow Agent and to provide for deposits to the accounts in the Sinking Fund; and

Whereas, Section 14 of the General Bond Ordinance provides that the City and the Trustee (as defined therein) may execute amending ordinances amending the General Bond Ordinance, subject in the case of certain amendments to the receipt of the consent of not less than 66-2/3% of the holders of outstanding general obligation bonds issued under the General Bond Ordinance; and

Whereas, the original purchasers of the City's outstanding general obligation bonds issued under the General Bond Ordinance in 1993 and 1994, as a condition of their purchase of those bonds and on behalf of all subsequent holders of those bonds, consented to the amendments contained herein to eliminate the Reserve Account and the requirement that the Reserve Account be funded and maintained, the City intends to obtain the consent to those amendments from the original purchasers of the City's general obligation bonds to be issued under the General Bond Ordinance in 1996 and, upon receipt of the consents of those 1996 bondholders, the consents of the holders of not less than 66-2/3% of outstanding general oblig-

ation bonds issued under the General Bond Ordinance will have been obtained; and

Whereas, it is necessary to appoint a successor trustee under the General Bond Ordinance to replace Society National Bank (the successor to Morgan Guaranty Trust Company of New York, the original trustee) because Society National Bank has sold substantially all of its corporate trust operations, and it is necessary and desirable to make certain amendments to the General Bond Ordinance that do not require the consent of bondholders to cure certain inconsistencies in the General Bond Ordinance resulting from the change in the bank serving as Trustee and paying agent; and

Whereas, it is necessary that this Ordinance become effective immediately in order that the City may promptly proceed in 1996 with the issuance of bonds under the General Bond Ordinance and proceed to implement the amendments to effect the elimination of the Reserve Account in order to achieve more efficiency in its financial management, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual, daily operation of a municipal department; now, therefore,

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

Section 1. Amendment. The following Sections of Chapter 179 of the Codified Ordinances of Cleveland, Ohio, 1976, are hereby amended: Sections 179.01, 179.03, 179.04, 179.09 and 179.11, as amended by Ordinance No. 1748-80, passed October 8, 1980, Section 179.10, as amended by Ordinance No. 1398-83, passed May 16, 1983, and Section 179.12, as amended by Ordinance No. 1111-83, passed May 16, 1983. Those Sections are amended and restated in their entirety to read as follows:

179.01 Definitions

As used in this chapter, the following terms shall have the following meanings:

(a) "Sinking Fund": the Sinking Fund provided for in this chapter, which constitutes the Bond Retirement Fund of the City required by RC 5705.09(C).

(b) "Sinking Fund Commission": the commission consisting of the Mayor, the Director of Finance, and the President of the Council, established pursuant to Section 110 of the Charter of the City of Cleveland to manage and control the Sinking Fund in the manner provided by ordinance and by general law to the extent not provided by ordinance.

(c) "Escrow Agent": the agent designated by the Sinking Fund Commission pursuant to Section 179.02 for the purposes set forth in this chapter.

(d) "Debt Charges": the principal of and call premium, if any, and interest on general obligation bonds or notes of the City.

(e) "Voted Obligations": general obligation bonds of the City authorized by vote of the electors and notes issued in anticipation of such bonds.

(f) "Unvoted Tax Supported Obligations": general obligation bonds of the City, not authorized by vote of the electors, and notes issued in anticipation of such bonds, other than Self-Supporting Obligations, payable from ad valorem property

taxes levied within the limitations provided by law, irrespective of whether such bonds or notes are secured by other receipts of the City in addition to such ad valorem property taxes, and including any such general obligation bonds, and notes issued in anticipation of such bonds, which are not or cease to be Self-Supporting Obligations.

(g) "Self-Supporting Obligations": general obligation bonds of the City, and notes issued in anticipation of such bonds, issued for permanent improvements (as defined in RC 133.01) which constitute or are part of an Enterprise of the City, to the extent that the City's Self-Supporting Revenues from such Enterprise are sufficient and available to meet the annual debt charges on such bonds issued or to be issued for the purposes of such Enterprise. "Voted Self-Supporting Obligations" are Self-Supporting Obligations which are Voted Obligations; "Unvoted Self-Supporting Obligations" are all other Self-Supporting Obligations.

(h) "Self-Supporting Revenues": the annual income to the City, including charges, prices, fees, and rentals, from the operation or ownership of an Enterprise, after deducting therefrom the City's annual cost of operation and maintenance (other than depreciation) of such Enterprise and any payments or deposits required to be made by the City under any ordinance, trust indenture, trust agreement or other agreement which pertains to revenue or mortgage revenue bonds or notes issued for the purposes of such Enterprise or which otherwise creates a prior pledge or lien on such income for payments of any obligations other than debt charges on general obligation bonds or notes of the City.

(i) "Enterprise": a water system, electric power or distribution system, airports, or ports, or any motor vehicle parking system, solid waste collection, disposal, or recovery system or other facility, or group or system of facilities, determined to be an enterprise for purpose of this chapter pursuant to an ordinance authorizing the issuance of Self-Supporting Obligations for the purposes of such system or facility.

(j) "Ten-Mill Limitation": the ten-mill limitation defined in RC 5705.02.

179.03 Sinking Fund Accounts

The following accounts shall be established for the Sinking Fund:

(a) Voted Obligations Account to be held for and applied solely to the payment of debt charges on Voted Obligations;

(b) Unvoted Tax Supported Obligations Account to be held for and applied solely to the payment of debt charges on Unvoted Tax Supported Obligations (other than the payment of principal on bond anticipation notes except for the amount of such notes required to be retired pursuant to RC 133.22 if such notes are outstanding for more than five (5) years);

(c) Unvoted Self-Supporting Obligations Account to be held for and applied solely to the payment of debt charges on Unvoted Self-Supporting Obligations; and

(d) Unvoted Bond and Note Redemption Account to be held for and applied solely to the payment of debt charges and accrued interest on unvoted general obligation bonds, and notes issued in anticipation of such bonds, which are to be retired from the proceeds of the

issuance of renewal notes, or bonds or refunding bonds, or from special assessments or other monies transferred for such purposes.

The Sinking Fund Commission may from time to time establish sub-accounts within any of the accounts of the Sinking Fund described in subsections (a) through (d) of this section, provided that each such sub-account shall be for a purpose or purposes within the purposes of such account and shall not be inconsistent with any other provision of this chapter, or any ordinance authorizing the issuance of bonds or notes.

179.04 Transfer of Moneys and Investments to Escrow Agent

Upon designation of the Escrow Agent pursuant to Section 179.02, the Sinking Fund Commission shall transfer to and deposit with the Escrow Agent all moneys and investments held in the Sinking Fund or in any other fund of the City for the payment of debt charges on Voted Obligations, Unvoted Tax Supported Obligations, and Unvoted Self-Supporting Obligations, and shall direct that such moneys and investments be credited to the following accounts:

(a) All such moneys and investments derived from collections of ad valorem property taxes levied outside the ten-mill limitation for the then current budget year shall be credited to the Voted Obligations Account;

(b) All such moneys and investments derived from collection of ad valorem property taxes within the ten-mill limitation for the then current budget year shall be credited to the Unvoted Tax Supported Obligations Account;

(c) All such moneys and investments held for the payment of debt charges on voted Self-Supporting Obligations shall be credited to the Voted Obligations Account;

(d) All such moneys and investments held for the payment of debt charges on Unvoted Self-Supporting Obligations shall be credited to the Unvoted Self-Supporting Obligations Account; and

(e) All such moneys and investment which represent the proceeds of renewal notes or bonds or refunding bonds, special assessments, or other moneys to be applied to the payment of debt charges on unvoted general obligation bonds, and notes issued in anticipation of such bonds, shall be credited to the Unvoted Bond and Note Redemption Account.

Upon the designation of any successor Escrow Agent pursuant to Section 179.02, the moneys and investments of the Sinking Fund, including each such account, shall be transferred promptly to such Successor Escrow Agent.

179.09 [Reserved]

179.10 Deposits in and Disbursements From Sinking Fund Accounts With respect to any deposit with the Escrow Agent of revenues which the Sinking Fund Commission is required to make or cause to be made to various Sinking Fund accounts pursuant to Sections 179.05 through 179.08, inclusive, the Sinking Fund Commission shall make such deposits or cause such deposits to be made in such amounts and at such times (pursuant to ordinances providing for the issuance or securing of bonds or notes where applicable provision is made) to allow for

the payment of debt charges from such accounts in the amounts and at the times required by the ordinances and agreements pertaining to the various obligations for the payment of the debt charges on which such accounts are respectively held. The Escrow Agent shall, at the times and in the amounts required by such ordinances and agreements, make disbursements from the appropriate Sinking Fund accounts to the paying agents responsible for the payment of debt charges on the various obligations.

179.11 Transfers and Advances Between Sinking Fund Accounts The Sinking Fund Commission shall not authorize, and the Escrow Agent shall not make, any transfer from any Sinking Fund account to any other Sinking Fund account or to any other fund except for (a) the transfer of funds in the Reserve Account to the Unvoted Tax Supported Obligations Account and the Unvoted Self-Supporting Obligations Account in connection with the elimination of the Reserve Account, and (b) in the event there are no longer outstanding any obligations for the payment of debt charges on which a Sinking Fund account is held, then the Sinking Fund Commission may authorize and instruct the Escrow Agent in writing to transfer the balance in such account to any other Sinking Fund account.

179.12 Investment of Moneys in Sinking Fund Accounts

(a) Subject to the restrictions set forth in this section, the Sinking Fund Commission shall, by written instruction, direct the investment by the Escrow Agent of moneys credited to the various Sinking Fund accounts. The Sinking Fund Commission shall authorize and the Escrow Agent shall effect the investment of moneys credited to the Sinking Fund accounts only in the following obligations:

(1) Direct obligations of the United States of America or obligations, the timely payment of the principal of and interest on which is fully guaranteed by the United States of America;

(2) certificates of deposit, demand deposits or time deposits of any state bank or trust company or national banking association, including the Escrow Agent or any affiliate of the Escrow Agent, which is a member of the Federal Deposit Insurance Corporation (FDIC), (including any investment in pools of those certificates of deposit, demand deposits or time deposits owned by the bank, trust company or national banking association), provided that any such certificate of deposit, demand deposit or time deposit is

(A) continuously and fully insured by FDIC, or

(B) issued by an entity that has (or guaranteed by an entity's parent holding company that has) either unsecured, unguaranteed and uninsured commercial paper rated in the highest rating category, or unsecured, unguaranteed and uninsured long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts, or

(C) fully secured, to the extent not insured by FDIC, by obligations of the type described in paragraph (1) above (i) that have a market

value at all times at least equal to the uninsured principal amount of the deposit, (ii) that are held by the Escrow Agent (except in case of a certificate of deposit, demand deposit or time deposit of the Escrow Agent) or any Federal Reserve Bank or depository of the United States of America, as custodian for the institution issuing the deposit, together with the undertaking of such institution, in form satisfactory to the Escrow Agent, that the aggregate market value of the obligations securing such deposit at all times will be maintained in an amount meeting the requirements of this subparagraph (C), and (ii) in which the Escrow Agent has a prior perfected first lien and which are not subject to any third-party claims;

(3) repurchase agreements collateralized by securities described in paragraph (1) above with any registered broker/dealer under the jurisdiction of the Securities Investors' Protection Corporation or any state bank or trust company or national banking association, including the Escrow Agent, if such broker/dealer, bank or trust company has (or its parent holding company has, if it provides a guarantee of the obligation) unsecured, uninsured and unguaranteed commercial paper rated in the highest rating category, or unsecured, uninsured and unguaranteed long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts, provided that:

(A) a master repurchase agreement or specific written repurchase agreement governs the transaction,

(B) the securities are held by the Escrow Agent or an independent third party acting solely as agent for the Escrow Agent free and clear of any lien, and such third party is (i) a Federal Reserve Bank, or (ii) a bank that is a member of the FDIC and that has combined capital, surplus and undivided profits of not less than \$50,000,000, and the Escrow Agent shall have received written confirmation from such third party that it holds such securities, free of any lien, as agent for the Escrow Agent,

(C) a perfected first security interest in such securities under the Uniform Commercial Code or book entry procedures prescribed by federal regulations, is created for the benefit of the Escrow Agent (as demonstrated by an opinion of counsel upon which the Escrow Agent may rely as to perfection and priority),

(D) the repurchase agreement has a term of 30 days or less, or the Escrow Agent will value the collateral securities no less frequently than once every seven days and will liquidate the collateral securities if any deficiency in the required collateral percentage is not restored within two business days of such valuation,

(E) the fair market value of the securities in relation to the amount of the repurchase obligation, including principal and interest, is equal to at least 100%; (4) investment contracts (which term shall not include repurchase agreements) fully collateralized by securities described in paragraph (1) above, with an institution that has (or its parent holding company has, if it provides a guarantee of the obligation)

either unguaranteed and uninsured commercial paper rated in the highest rating category, or unsecured, unguaranteed and uninsured long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts;

(5) obligations of any state of the United States of America or any political subdivision of any state, other than the City, for the payment of which the full faith and credit of the state or political subdivision is pledged, provided that such obligations are rated in the second highest or higher rating category by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts; and

(6) investments in the pooled investment program established in the custody of the Treasurer of the State pursuant to Section 135.45 of the Ohio Revised Code for investment of money by political subdivisions of the State.

(b) With respect to moneys credited to any Sinking Fund account, the Sinking Fund Commission shall authorize and the Escrow Agent shall effect the investment of such moneys only in obligations which shall mature (or be redeemable at the option of the holder) at such times and in such amounts as to allow the Escrow Agent to make all required payments of debt charges from such account in a timely manner.

(c) In order to fulfill the Escrow Agent's duty under Section 179.10 to make disbursements from the various Sinking Fund accounts in the amounts and at the times required for the payment of debt charges from such accounts, the Escrow Agent shall, if and to the extent necessary for that purpose, sell or redeem any investment held to the credit of any such account from which such a disbursement is to be made, and the Escrow Agent may do so without any further authorization by the Sinking Fund Commission, the City, or any officer of the City.

(d) The income from any investment made pursuant to this section (including interest, proceeds from sale or redemption, and other income) shall be credited to the Sinking Fund account for which such investment was made.

(e) To prevent bonds or notes issued by the City from becoming "arbitrage bonds" under Section 103(c) of the Internal Revenue Code and regulations promulgated thereunder, the Sinking Fund Commission shall, from time to time as necessary for that purpose, authorize and instruct the Escrow Agent in writing to (1) restrict the yield received on the investment of moneys held in any Sinking Fund account or earnings thereon, and (2) take other actions consistent with the provisions of this chapter with respect to the application of such moneys or earnings thereon.

Section 2. Transfer of Moneys in Reserve Account. Upon the execution of this Ordinance by the Trustee pursuant to Section 5 herein and Section 14 of the General Bond Ordinance, the Sinking Fund Commission shall direct the Escrow Agent to, and the Escrow Agent shall, transfer the moneys in the Reserve Account in the Sinking Fund to the Unvoted Tax Supported

Obligations Account and the Unvoted Self-Supporting Obligations Account in the Sinking Fund in proportion to the debt service to be paid from those accounts on obligations outstanding as of the date of such transfer.

Section 3. Amendments to Ordinance No. 1749-80, passed October 8, 1980 (the General Bond Ordinance). The following Sections of Ordinance 1749-80 are amended as follows:

Section 1. Definitions and Interpretations. The following words and terms as used in this General Bond Ordinance, in Series Bond Ordinances and in the Bonds shall have the following meanings unless otherwise therein provided and unless the context or use clearly indicates another or different meaning or intent:

"Act" means Sections 118.01 to 118.99, inclusive, and Sections 717.15 and 717.16 of the Revised Code of Ohio, as the same may be amended, modified, revised, supplemented, or superseded from time to time, provided that no further action by the General Assembly of Ohio shall alter the obligation of the City to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in this General Bond Ordinance and the applicable Series Bond Ordinances.

"Agency" means the agency defined in Section 9(b) of this Ordinance.

"Agreement" means the Bond Purchase Agreement dated as of September 1, 1980, between the City and the Original Purchasers under the Agreement providing for the sale of bonds of the City in aggregate principal amount of \$36,215,000.

"Bond" or "Bonds" means any bond, or all the Bonds, or an issue or series of Bonds, as the case may be, of the City issued pursuant to the General Bond Ordinance and any Series Bond Ordinance.

"Bondholder" or "holder" or "holder of Bonds" or any similar term, means any person who is the bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer, or the person in whose name a registered Bond is registered, and as to a coupon means the bearer of the coupon.

"Chapter 179" means Chapter 179 of the Codified Ordinances of the City as enacted by Ordinance No. 1748-80 adopted by this Council and as in effect on **October 8, 1980**, except as such chapter may thereafter be amended in the manner, and subject to the restrictions provided in Section 14 hereof with respect to the manner of amending this Ordinance.

"City" means the City of Cleveland, Ohio.

"Commission" or "Financial Planning and Supervision Commission for the City" means any Financial Planning and Supervision Commission for the City of Cleveland appointed pursuant to Section 118.05 of the Revised Code of Ohio.

"Council" means the legislative authority of the City of Cleveland, Ohio.

"coupon" or "interest coupon" means any of the coupons evidencing the installments of interest on the applicable coupon Bond.

"coupon Bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Debt service charges" or "debt

charges" means the principal, including any mandatory sinking fund requirements, interest, and redemption premium, if any, required to be paid by the City on the Bonds.

"Director of Finance" means the person holding the office designated in the City's Charter as Director of Finance, which is the office defined in Division (D) of Section 133.01 of the Revised Code of Ohio as the City's fiscal officer, and includes any person serving as Acting Director of Finance for the City under its Charter and Codified Ordinances of Cleveland, 1976.

"Effective Schedule" means the effective schedule defined in Section 9(c) of this Ordinance.

"Escrow Agent" means the escrow agent selected pursuant to Chapter 179 and each successor to such function.

"Financial Plan" or "Plan" means any financial plan for the City as adopted and amended and approved by the Commission in accordance with Section 118.06 of the Revised Code of Ohio.

"Financial Supervisor" means the financial supervisor as defined in Section 118.01(Q) of the Revised Code of Ohio, which is included in the reference to "Commission" herein whenever duly authorized to act on behalf of the Commission with respect to the matter.

"General Bond Ordinance" or "this Ordinance" as used herein means this Ordinance, as the same may be amended from time to time in accordance with Section 14 hereof.

"Original Purchaser" as to any Bonds means the person or persons who are the first purchasers of such Bonds directly from the City.

"Original Purchasers under the Agreement" means the original purchasers identified in or pursuant to the Agreement.

"Outstanding Bonds" or "Bonds outstanding" or "outstanding" as applied to Bonds, means, as of any date, all Bonds issued pursuant to all Series Bond Ordinances which have been authenticated by the Trustee and delivered by the City, except:

(a) Bonds surrendered for exchange or transfer or cancelled because of payment or redemption at or prior to such date;

(b) Bonds which are deemed to have been paid and discharged pursuant to the provisions of Section 15 of this Ordinance;

(c) Bonds which have matured and Bonds which have been duly called for redemption if moneys for the payment of the principal of, and interest and premium, if any, on such Bonds have been deposited with and are held by the Paying Agents so as to be available for payment or redemption of such Bonds, provided that the Trustee has received notice, in a form satisfactory to the Trustee, that such Bonds have matured or have been duly called for redemption and that moneys have been deposited with and are held by the Paying Agents;

(d) Lost, stolen, mutilated or destroyed Bonds in lieu of which others have been authenticated and delivered (or payment of which is made, when due, without replacement) unless proof satisfactory to the Trustee is presented that any such Bonds are held by bona fide holders in due course; and

(e) With respect to the provisions

for waivers of defaults, directing remedies or consenting to amendments of this Ordinance, any Bonds during such time as they are held by the City.

"Paying Agents" means banks or trust companies designated as the paying agencies or places of payment for Bonds by or pursuant to this Ordinance or the applicable Series Bond Ordinance, and their successors, and shall also mean the Trustee when so designated for such purpose.

"Self-Supporting Obligations" means self-supporting obligations as defined in Chapter 179.

"Self-Supporting Revenues" means self-supporting revenues as defined in Chapter 179.

"Series Bond Ordinances" mean ordinances passed by the Council authorizing the issuance of unvoted general obligation bonds of the City in accordance with this General Bond Ordinance, and particularly Section 3 hereof, and includes any ordinance, resolution or certificate providing for or evidencing the award and terms of the Bonds as authorized by any Series Bond Ordinance.

"Sinking Fund" means the bond retirement fund required by Section 5705.09(C) of the Revised Code of Ohio and referred to in Chapter 179.

"Sinking Fund Commission" means the sinking fund commission as defined in Chapter 179.

"State" means the State of Ohio.

"Ten Mill Limitation" means the ten mill limitation defined in Section 5705.02 of the Revised Code of Ohio.

"Trustee" means the bank or trust company and successors appointed pursuant to Section 11 of this Ordinance, being a fiscal agent within the meaning of Section 118.18 of the Revised Code of Ohio, authorized to exercise trust powers in the State.

"Unvoted Self-Supporting Obligations Account" means the unvoted self-supporting obligations account described in Chapter 179.

"Unvoted Tax Supported Obligations" means unvoted tax supported obligations as defined in Chapter 179.

"Unvoted Tax Supported Obligations Account" means the unvoted tax supported obligations account described in Chapter 179.

"Voted Obligations" means voted obligations as defined in Chapter 179.

Any reference herein to the City, the Council, the Commission, or to any officers or to other public boards, commissions, departments, institutions, agencies, bodies, entities or officers, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions. Any reference to a section or provision of the Revised Code of Ohio or to the laws of Ohio shall include such section or provision and such laws as from time to time amended, modified, revised, supplemented, or superseded, provided that no such amendment, modification, revision, supplementation, or supersession shall alter the obligation to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in this Ordinance, and the applicable Series Bond Ordinance. Unless the context shall otherwise indicate, words importing the singular number shall

include the plural number, and vice versa, and the terms "hereof", "herein", "hereby", "hereto", "hereunder", and similar terms, refer to this Ordinance.

Section 6. Sinking Fund.

(a) Authority. Pursuant to Section 118.20 of the Revised Code of Ohio, Section 110 of the City's Charter and Chapter 179 of the Codified Ordinances of the City ("Chapter 179"), the City has established a Sinking Fund (constituting a bond retirement fund in compliance with Chapter 5705 of the Revised Code of Ohio), and shall place the moneys and investments of the Sinking Fund in trust with the Escrow Agent, selected pursuant to Chapter 179 (said Escrow Agent and each bank succeeding to such function being herein called the "Escrow Agent") for the benefit of holders of bonds and notes of the City payable from the accounts of the Sinking Fund, which accounts are as follows: (i) Voted Obligations Account, (ii) Unvoted Self-Supporting Obligations Account, (iii) Unvoted Tax Supported Obligations Account, (iv) Unvoted Bond and Note Redemption Account.

(b) Covenant to Maintain. So long as any of the Bonds are outstanding, the City covenants with the holders of the Bonds and the Trustee and any successor Trustee provided for in Section 11 hereof (the "Trustee") to maintain the moneys and investments of the Sinking Fund irrevocably in trust with the Escrow Agent, maintain the accounts and sub-accounts as provided, and solely for the respective purposes set forth, in Chapter 179 and this Ordinance, and to provide for deposits into and maintenance of required amounts, and investments, transfers, advances and application of moneys in, such accounts in the amounts, time and manner provided in, and in all other respects consistent with, Chapter 179 and this Ordinance, and in the event of resignation or other termination of an Escrow Agent, to promptly designate a successor Escrow Agent with the qualifications required by Chapter 179 so that there will be no lapse in the holding of the Sinking Fund by an Escrow Agent.

Section 9. Supplementary Debt Service Moneys.

(a) Covenant. Subject to the provisions of subsection (g) hereof, the City hereby covenants that, so long as any of the Bonds are outstanding, it will collect, appropriate and deposit to the Unvoted Tax Supported Obligations Account of the Sinking Fund held by the Escrow Agent, for the payment of debt charges payable from such account, municipal income taxes and other taxes, receipts, and available revenues sufficient in amount and time of receipt to meet such debt charges as provided in this section.

(b) Schedules of Payments. Such amount of municipal income taxes shall be determined annually and adjusted periodically as follows: With each tax budget, the City shall set forth a schedule, on a monthly basis for the full budget year, of the year-end balances and the tax and other receipts to be credited to the various accounts of the Sinking Fund, other than from the income tax, and the times and amounts of payments from the respective accounts of the Sinking Fund to meet the required debt charges

payable from such accounts. For such tax budget purpose, such tax and other receipts planned to be credited to the Unvoted Tax Supported Obligations Account shall be limited to the ad valorem tax levy within the ten-mill limitation, special assessments levied for debt charges on unvoted general obligations, accrued interest and premium, if any, received upon the sale of unvoted general obligations, reasonably estimated interest income properly to be credited to the Unvoted Tax Supported Obligations Account, including interest from investment of moneys held to the credit of such account. **To the extent of any deficiency in time or amount of such revenue receipts to be credited to the Unvoted Tax Supported Obligations Account of the Sinking Fund to meet debt charges payable from such account there shall be set forth in such schedule of monthly payments from the income tax receipts, in equal monthly amounts from the first month of the year, sufficient to meet such deficiency, to wit:** As to the first debt charges payment date for which a deficiency is determined (by taking into account only receipts to be credited to such account from the above-described sources, other than the income taxes, through the last calendar month preceding such debt charges payment date), the schedule shall provide for payments from the income tax receipts to such account in each month from the first month of the year to the month preceding that in which such first debt charges payment date occurs, inclusive, of monthly amounts equal to such deficiency divided by the number of such months of the year preceding the month in which such debt charges payment date occurs; for each subsequent debt charges payment date any such deficiency shall be determined on the basis of such other receipts to be credited to the account through the last full calendar month preceding such date after deducting debt charges payable from the account prior to such date, and the schedule shall provide for payments from the income tax receipts to such account in each month from the first month of the year to the month preceding that in which such debt charges payment date occurs, inclusive, in monthly amounts equal to such deficiency divided by the number of such months of the year preceding the month in which such debt charges payment date occurs; so that the total amount so scheduled to be deposited to such account from income tax receipts in any month shall be the aggregate of the respective equal monthly amounts determined with respect to each such debt service payment date. Such schedule, certified by the Director of Finance of the City, shall be delivered by the City to the Trustee a reasonable time before the tax budget is adopted by the City. Such schedule and certification and revised schedules certified under this paragraph shall be accompanied by a report prepared by the independent accounting firm engaged pursuant to paragraph (c) of Section 10 of this Ordinance stating, and showing financial data sufficient to demonstrate, that the total amount to be deposited to the Unvoted Tax Supported Obligations Account from income tax receipts in any month as set forth in such schedule is consistent with the

requirements of paragraph (b) of this Section, and that the making of such deposits can reasonably be expected to result in there being amounts in the Account sufficient to make timely payment of all debt charges scheduled to be paid from such Account during such budget year. The City shall provide to the Trustee all information required by the Trustee with respect to such schedule or revised schedule, including designation of the amounts from specified sources to be deposited to the credit of the respective accounts of the Sinking Fund. The City shall also cause a certified copy of the schedule to be submitted to the Central Collection Agency (Income Tax Administrator of the City) or other entity or officer having charge of collection of the City's income taxes at the time (the "Agency", which term, where appropriate, includes the Central Collection General Account, or any other fund or account in or to the credit of which income tax receipts allocable to the City are first held upon collection and prior to distribution to other funds or accounts of the City; and also includes any agency which is independent of the City hereafter authorized to collect the City's income taxes, for which purpose the City hereby covenants that in so authorizing such collection by such agency the City shall require the agreement of such agency, for the benefit of the Bondholders, to comply with the applicable provisions of this Ordinance pertaining to the Agency). The tax budget of the City and its appropriation ordinances shall be consistent with such certified schedule. The City shall monitor continuously all estimates and actual receipts of the amounts from the respective sources to be deposited to the respective accounts of the Sinking Fund. If at any time the projected or actual amount of the receipts in the Unvoted Tax Supported Obligations Account from sources other than income taxes is less than the amount budgeted from such sources or the projected amount required to be paid from such account will be greater than estimated in such schedule, the Director of Finance shall certify a revised schedule of increased deposits from the income tax, based on a projection of the same proportional deficiency from such other sources for the ensuing months of the fiscal year or such greater deficiency from such sources as the circumstances indicate to the Director of Finance and projection of such revised requirements, such that the increased deposits from the income tax will be sufficient to meet such projected deficiencies and requirements. The Director of Finance shall certify such revised schedule of deposits from the income tax to the Trustee and to the Agency. If the deposits from said sources other than from the income tax shall for at least three consecutive months thereafter achieve the budgeted amount and amounts of any additional requirements not anticipated in the budget, the Director of Finance may again revise the schedule for deposits of income taxes consistent with the original schedule and similarly certify to the Trustee (with supporting information) and to the Agency. At any time that deposits to the Unvoted Tax Supported Obligations Account from sources other than the income tax have exceeded the amounts sched-

uled therefrom for three consecutive months, the Director of Finance may certify a revised schedule of deposits thereto from the income tax to the Trustee and to the Agency. Such schedule may also be revised at any time, in a manner consistent with the objective of this section, upon the concurrence of the Director of Finance and the Trustee and certification of the revised schedule by the Director of Finance to the Trustee and to the Agency.

(c) Withholding and Payment. Commencing with the first day of each month during which a deposit from the income tax receipts is to be made to the Unvoted Tax Supported Obligations Account of the Sinking Fund in accordance with the schedule last certified by the Director of Finance to the Trustee and to the Agency (the "Effective Schedule"), there shall be withheld in the Agency, from the first and ensuing collections of income taxes allocable to the City the full amount to be so deposited in such month and there shall not be paid over from the Agency to any other City fund any amount from income tax receipts allocable to the City until the amounts of income tax receipts set forth in the Effective Schedule for that month has been reserved and paid over directly from the Agency to the Escrow Agent and receipt thereof has been acknowledged by the Escrow Agent. Such amount shall be paid over to the Escrow Agent in the most expeditious manner practical as may be arranged among the Director of Finance, the Agency and the Escrow Agent. In any event, those officers of the City having the authority to act in the matter (currently, the Commissioner of Accounts, Treasurer and Income Tax Administrator of the City) shall take all such actions as are necessary or appropriate to make prompt payments of income tax receipts directly to the Escrow Agent as provided for in this Section.

(d) Sufficiency Assured. In any event, if at any time the Escrow Agent or the Trustee notifies the Director of Finance and the Agency that amounts held by the Escrow Agent and projected to be deposited to the Unvoted Tax Supported Obligations Account will be insufficient to meet the ensuing payments of debt charges to be paid therefrom and the amounts of such deficiency, the City shall, in the manner provided in paragraph (c) of this section, promptly transfer from income tax receipts allocable to the City then held by the Agency, and from the first such receipts following such certification, to the Unvoted Tax Supported Obligations Account, the amounts of such deficiency before making any further distribution therefrom to the City.

(e) Pledge and Covenant to Maintain Income Tax. So long as the Bonds are outstanding, the City hereby pledges the municipal income taxes of the City and grants a first lien thereon, to the full extent required to meet debt charges payable from the Unvoted Tax Supported Obligations Account in accordance with this Ordinance and Chapter 179, to secure the payment of the debt charges on the Bonds, on a parity with debt charges on all Outstanding Unvoted Tax Supported Obligations of the City payable from such Account and debt charges from any other Unvoted Tax Supported Obligations of the

City hereafter issued which are payable from the Unvoted Tax Supported Obligations Account and which are secured by a pledge and lien expressly stated to be granted on a parity with that herein provided and which obligations are issued consistent with the provisions of this Section, Sections 2, 3 and 5, and paragraphs (g), (h), (j) and (m) of Section 10 hereof. The City covenants to appropriate annually sufficient amounts from the income taxes for such purpose. The City further covenants that so long as any of the Bonds are outstanding, the City shall not repeal or amend any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds under this Section, and any attempt to do so in any manner shall be void and of no effect.

(f) Appropriations; Superseding Effect. The City further covenants that all income taxes and other taxes, receipts, and available revenues to be deposited with the Escrow Agent to the credit of the Unvoted Tax Supported Obligations Account of the Sinking Fund in accordance with this Ordinance shall be deemed to be appropriated to such accounts and shall not be available for or appropriated to any other purpose, and that any appropriation ordinance or transfer ordinance or order inconsistent with this covenant shall not be or be deemed to be effective to authorize application of such income tax revenues to other purposes to the extent inconsistent herewith. Each officer of the City having authority to make contracts or expenditures is hereby directed to give full effect to this covenant of the City, and the Director of Finance is hereby directed not to, and shall not, certify availability of funds for any other purpose inconsistent with this covenant. In order to avoid violation of this covenant, the City further hereby covenants to adopt and promptly to amend its appropriation ordinances to such extent as may be proper to reflect the Effective Schedule under (b) of this section and the latest certifications of the Escrow Agent or Trustee under paragraph (e) of this section. The provisions of this section shall prevail over and supersede any ordinance or codified ordinance of the City heretofore or hereafter adopted to any extent that such ordinance is inconsistent with this section.

(g) The amount of municipal income taxes required to be collected, appropriated, deposited, and pledged and as to which a first lien is granted pursuant to this Section 9 shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) in any year, reduced in any year after 1983 by the amount by which the shortfall in such subsequent year is less than the shortfall in 1983 (the "Ceiling"); provided, however, that:

(i) If, after the issuance of all the Bonds pursuant to the Agreement, the City, subject to Council approval, issues additional unvoted general obligation bonds or notes in anticipation of such bonds, or if any amount of debt charges on Self-Supporting Obligations of the City heretofore issued and outstanding on the effective date of this Ordinance or on the Bonds issued pursuant to Ordinance Nos. 1751-80 or 1755-80, adopted by this Council on

the date of adoption of this Ordinance, are not covered by Self-Supporting Revenues and become payable from the Unvoted Tax Supported Obligations Account of the Sinking Fund pursuant to Chapter 179, and if, after such issuance or such debt charges become payable from said Account, such amount of municipal income taxes, as determined in accordance with subsections (b) and (e) hereof, exceeds the ceiling, then such amount of municipal income taxes to be collected, appropriated, deposited and pledged pursuant to this Section 9 shall be the amount so determined;

(ii) If, while the ceiling is in effect, the amount of such municipal income taxes, as determined in accordance with subsections (b) and (e) hereof, exceeds such limit, then the City shall set forth in the schedule required under Subsection 9(b) hereof the source and amount of other additional available revenues (subject to application of local government fund receipts to make deposits for the payment of debt charges on notes hereafter issued under Section 118.17 of the Revised Code of Ohio) to be credited and deposited to the Unvoted Tax Supported Obligations Account in addition to the tax and other receipts, including an amount of municipal income tax receipts not less than the ceiling, otherwise to be credited to that account under Subsection 9(b) hereof, and such other additional available revenues shall be included in determining the sufficiency of the total amount to be credited to said Account, and, as the case may be, the City shall likewise make deposits from such available revenues at the times and in the amounts to satisfy subsection (e) of this Section 9;

(iii) Nothing in this subsection (g) shall be deemed to prohibit the City, in its discretion, from appropriating and depositing to the Unvoted Tax Supported Obligations Account any additional amount of municipal income taxes.

For purposes of this Subsection (g), the amount by which the shortfall in any subsequent year is less than the shortfall in 1983 shall be determined by calculating the difference between the remainder (whether negative or positive) in 1983 and in such subsequent year after subtracting the debt charges on all Unvoted Tax Supported Obligations from the proceeds of the unvoted ad valorem property taxes levied for such debt charges in the applicable year, based upon budget estimates to be subsequently adjusted to actual figures.

Section 17. Concerning the Paying Agents. **Except as otherwise provided in the particular Series Bond Ordinance for the issuance and sale thereof; the principal of, and the interest and any premium on, Bonds shall be payable at the Paying Agents, which shall be the bank or trust companies then serving as Trustee and Escrow Agent, respectively,** and interest on fully registered Bonds shall be paid by check or draft issued by the Escrow Agent and drawn upon the Sinking Fund. The City shall provide to the Escrow Agent a copy of the Bond registry for such purpose. Pursuant to Section 179.10 of Chapter 179, the Escrow Agent shall, at the times and in the amounts required by the several Series Bond Ordinances, make disbursements from the appro-

appropriate Sinking Fund accounts to the Paying Agent responsible for the payment of Bond service charges on the Bonds.

(a) Nonpresentation of Bonds or Coupons. In the event any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity, at the date fixed for redemption thereof, or otherwise, or in the event any coupon shall not be presented for payment at the due date thereof. If funds sufficient to pay such Bond or coupon shall have been made available to the Paying Agents for the benefit of the holder or holders thereof, all liability of the City to the holder thereof for the payment of such Bond or coupon, as the case may be, shall thereupon cease and be completely discharged, and it shall be the duty of the Paying Agents to hold such funds, without liability for interest thereon, in a separate account for the benefit of the holder of such Bond, or the holder of such coupon, as the case may be, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond or coupon; provided that any funds which shall be so held by the Paying Agents and which remain unclaimed by the holder of the Bond or coupon not presented for payment for a period of two years after such due date thereof, shall upon request in writing by the City be returned by the Paying Agent to the City for credit to the **Unvoted Tax Supported Obligations Account** in the Sinking Fund free of any special claim of such holder and thereafter the holder of such Bond or coupon shall look only to the City for payment without any interest thereon, and the Paying Agents shall have no further responsibility with respect to such moneys.

(b) Funds to be Held in Trust. All moneys required or permitted to be deposited with or paid to the Paying Agents under any provision of this Ordinance and any investments thereof, shall be held by the Paying Agents in trust and, except for moneys deposited with or paid to the Paying Agents for the redemption of Bonds, notice of the redemption of which has been duly given, and moneys held by the Paying Agents pursuant to paragraph (a) hereof, shall, while held by the Paying Agents, be subject to the lien hereof.

(c) Appointment of Successor Paying Agent. In case a Paying Agent shall resign or be dissolved, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. Every such successor Paying Agent appointed pursuant to the provisions of this Section shall be a corporate trust company or bank or banking association in good standing and willing to accept the position under the terms and conditions of this Ordinance. A successor Paying Agent must also be the successor Paying Agent under each Series Bond Ordinance authorizing each issue of Bonds sold under the Agreement. The City shall publish notice of the appointment of such successor Paying Agent in the manner provided for publication of notice of call for redemption of bonds in Section 4 hereof.

(d) Dealing in Bonds. A Paying

Agent, and any of its directors, officers, employees or agents, may in good faith, become the owners of Bonds and coupons appertaining thereto issued pursuant to this Ordinance with the same rights which they would have hereunder if the Paying Agent were not such.

Section 4. Appointment of Successor Trustee. The City hereby determines that Society National Bank is no longer capable of acting as Trustee under the General Bond Ordinance, or as registrar, authenticating agent or Paying Agent for the various series of Bonds outstanding under the General Bond Ordinance, as a result of its sale of substantially all of its corporate trust operations. The City hereby appoints Star Bank, N.A. as successor to Society National Bank as Trustee under the General Bond Ordinance and as Paying Agent, registrar and authenticating agent under any Series Bond Ordinances for any outstanding Bonds issued under the General Bond Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them individually is, authorized and directed to take such actions as are necessary and appropriate to carry out the transfer of those trustee, authenticating agent, registrar, paying agent, transfer agent and other functions from Society National Bank to Star Bank, N.A., including the delivery of agreements, certificates and other written instruments and the giving of notices.

Section 5. Amendments and Repeal. (a) The following Sections of the Codified Ordinances of Cleveland, Ohio, 1976, and Sections of Ordinance 1749-80 are hereby repealed, effective as of the date provided in subsection (c) below: Sections 179.01, 179.03, 179.04, 179.09, and 179.11, as amended by Ordinance No. 1748-80, passed October 8, 1980, Section 179.10, as amended by Ordinance No. 1398-83, passed May 16, 1983; Section 179.12, as amended by Ordinance No. 1111-83, passed May 6, 1983, and Sections 1, 6, 9 and 17 of Ordinance No. 1749-80, passed October 8, 1980.

(b) The amendments set forth in Section 1 and Section 3 of this Ordinance shall be effective as of the date provided in subsection (c) below.

(c) The repeals and amendments described in subsection (a) and subsection (b) of this Section 5 shall become effective upon the delivery by the Trustee to the City of (i) a written statement that the holders of not less than sixty-six and two-thirds (66 2/3) percent in aggregate principal amount of Outstanding Bonds (as defined in the General Bond Ordinance) have consented to the elimination of the Reserve Account of the Sinking Fund, and (ii) an executed counterpart of this Ordinance, executed by the Trustee. The Director of Finance or the Director of Law shall deliver to the Clerk of Council for placement in the Clerk's File No. 944-96-A, copies of the written statement from the Trustee and the counterpart of this Ordinance executed by the Trustee.

Section 6. Notification to and Execution by the Trustee. The Director of Finance be and hereby is authorized and directed to request the Trustee to enter into this Amending Ordinance and to take such steps as are required by Section 14 of the General Bond Ordinance to secure

the consent of not less than sixty-six and two-thirds (66-2/3) percent in aggregate principal amount of Outstanding Bonds to the amendments as described above. The passage of this Ordinance by the Council (subject to Sections 37 and 59 of the City's Charter) shall be deemed to be the execution by the City of an amending ordinance as required by Section 14(b) of the General Bond Ordinance.

Section 7. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 8. Effective Date. This Ordinance is hereby declared to be an emergency measure providing for the immediate preservation of the public peace, property, health and safety, in order for the City to promptly proceed with the issuance of the Series 1996 Bonds and to proceed to implement the amendments to effect the elimination of the Reserve Account to achieve more efficiency in its financial management, and providing for the usual daily operation of municipal department, and provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period declared by law.

Execution by Trustee:
Star Bank, N.A., through the undersigned official of such Bank duly authorized to sign this Amending Ordinance on behalf of the Bank, with the consent of the holders of not less than sixty-six and two-thirds percent in aggregate principal amount of Outstanding Bonds hereby executes the above Amending Ordinance pursuant to Section 14 of the General Bond Ordinance.

STAR BANK, N.A.

By: _____

Dated: _____, 1996

Passed: _____, 1996

Effective: _____, 1996

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

Ord. No. 966-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and to enter into contract for the purpose of implementing the program.

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

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

Section 1. That the Director of

Community Development is hereby authorized to expend funds and enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program.

Section 2. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$851,000.00, and shall be paid from Fund No. 13 SF 856.

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.

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

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 935-96.
By Councilmen Patton, McGuirk and Rokakis (by departmental request).

An ordinance to amend Sections 535.05, 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, and to restate Sections 535.04, 535.18 and 535.21 of said Codified Ordinances, as amended by Ordinance No. 2013-95, passed April 1, 1996, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

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

Section 1. That the rates, rules and regulations relating to the operation of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. 305-96, adopted May 15, 1996, be and the same are hereby approved.

Section 2. That Sections 535.05 and 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby amended to read, respectively, as follows:

Section 535.05 Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead

(a) Regular beginning 4/4/96

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Three Cents (\$10.03). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-One Dollars and Forty-Four Cents (\$21.44) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Sixty-Three Cents (\$11.63). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Five Dollars and Sixty-Five Cents (\$25.65) per 1,000 cubic feet.

(3) A minimum service and con-

sumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$13.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Seventy-Four Cents (\$10.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Two Dollars and Ninety-Six Cents (\$22.96) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Forty-Five Cents (\$12.45). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Thirty-Nine Cents (\$27.39) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$14.69). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Forty-Eight Cents (\$11.48). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Four Dollars and Fifty-Four Cents (\$24.54) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Twenty-Nine Cents (\$13.29). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Nineteen Cents (\$29.19) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-

Five Cents (\$15.65). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Twenty-Seven Cents (\$12.27). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Six Dollars and Twenty Cents (\$26.20) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Nineteen Cents (\$14.19). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Nine Cents (\$31.09) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$16.69). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and ~~Nine Cents (\$13.09)~~. All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Ninety-Three Cents (\$27.93) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Thirteen Cents (\$15.13). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Seven Cents (\$33.07) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and ~~Seventy-Seven Cents (\$17.77)~~. All water used in excess of 1,000 cubic feet during each three month billing period shall be Thirty Seven Dollars and Ninety-Six Cents (\$37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

(1) A minimum service and con-

sumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Twenty-One Cents (\$6.21). There shall be a minimum charge of Six Dollars and Twenty-One Cents (\$6.21) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Twelve Cents (\$8.12). There shall be a minimum charge of Eight Dollars and Twelve Cents (\$8.12) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(4) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.06 Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead

(a) Regular beginning 4/4/96 through 12/31/96

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$13.74).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each

three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$14.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Five Cents (\$15.65).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$16.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Seventy-Seven Cents (\$17.77).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Seven Dollars and Ninety-Six Cents (\$37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 3. That existing Sections 535.05 and 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby repealed.

Section 4. That Sections 535.04, 535.18 and 535.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2013-95, passed April 1, 1996, are hereby restated to read as follows:

Section 535.04 Direct Service Water Rates within Cleveland; Regular and Special Homestead

(a) Regular beginning 4/4/96 through 12/31/96

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Five Dollars and Fifty-Eight Cents (\$5.58).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Eleven Dollars and Ninety-Seven Cents (\$11.97) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Five Dollars and Ninety-Nine Cents (\$5.99).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twelve Dollars and Eighty-Four Cents (\$12.84) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service, and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Six Dollars and Forty-One Cents (\$6.41).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirteen Dollars and Seventy-Four Cents (\$13.74) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Six Dollars and Eighty-Six Cents (\$6.86).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Fourteen Dollars and Sixty-Nine Cents (\$14.69) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer within the territorial limits of the City of Cleveland. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seven Dollars and Thirty-Three Cents (\$7.33).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Fifteen Dollars and Sixty-Eight Cents (\$15.68) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

(1) A minimum service and consumption charge shall be made to homesteads within the territorial limits of the City of Cleveland owned by a person sixty-five years of age or older or permanently and totally disabled; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the

Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Three Dollars and Fifty-Five Cents (\$3.55). There shall be a minimum charge of Three Dollars and Fifty-Five Cents (\$3.55) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Section 535.18 Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(1) To the City of Cleveland Heights: beginning 4/4/96 through 12/31/96, \$16.36 per mcf; beginning 1/1/97 through 12/31/97, \$17.52 per mcf; beginning 1/1/98 through 12/31/98, \$18.71 per mcf; beginning 1/1/99 through 12/31/99, \$19.97 per mcf; beginning 1/1/00, \$21.28 per mcf.

(2) To the City of East Cleveland: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(3) To the City of Lakewood: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(4) To the City of Bedford: beginning 4/4/96 through 12/31/96, \$16.76 per mcf; beginning 1/1/97 through 12/31/97, \$17.92 per mcf; beginning 1/1/98 through 12/31/98, \$19.11 per mcf; beginning 1/1/99 through 12/31/99, \$20.37 per mcf; beginning 1/1/00, \$21.68 per mcf.

(5) To the Village of Chagrin Falls: beginning 4/4/96 through 12/31/96, \$18.91 per mcf; beginning 1/1/97 through 12/31/97, \$20.24 per mcf; beginning 1/1/98 through 12/31/98, \$21.61 per mcf; beginning 1/1/99 through 12/31/99, \$23.06 per mcf; beginning 1/1/00, \$24.57 per mcf.

(6) To the City of Berea: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(7) To Lake County: beginning 4/4/96 through 12/31/96, \$18.23 per mcf; beginning 1/1/97 through 12/31/97, \$19.39 per mcf; beginning 1/1/98 through 12/31/98, \$20.58 per mcf; beginning 1/1/99 through 12/31/99, \$21.84 per mcf; beginning 1/1/00, \$23.15 per mcf.

(8) To Lorain County: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

(9) To the City of North Ridgeville: beginning 4/4/96 through 12/31/96, \$14.04 per mcf; beginning 1/1/97 through 12/31/97, \$15.05 per mcf; beginning 1/1/98 through 12/31/98, \$16.09 per mcf; beginning 1/1/99 through 12/31/99, \$17.19 per mcf; beginning 1/1/00, \$18.34 per mcf.

(10) To Geauga County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(11) To Medina County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(12) To the City of Hudson Village: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(13) To Summit County: beginning 4/4/96 through 12/31/96, \$21.51 per mcf; beginning 1/1/97 through 12/31/97, \$22.84 per mcf; beginning 1/1/98 through 12/31/98, \$24.21 per mcf; beginning 1/1/99 through 12/31/99, \$25.66 per mcf; beginning 1/1/00, \$27.17 per mcf.

(b) All bills for water so furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) Rates for Standby Emergency Water Service. The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined in accordance with the size of the fire supply connection through which water passes for use on the premises so supplied in accordance with the following schedule, for each three months or any part thereof:

Beginning April 4, 1996, through December 31, 1996

Connection Size (Inches)	Fee
1-1/2	\$22.50
2	22.50
3	22.50
4	38.75
5	61.25
6	87.50
8	156.25
10	245.00
12	352.50

Beginning January 1, 1997, through December 31, 1997

Connection Size (Inches)	Fee
1-1/2	\$25.00
2	25.00
3	25.00
4	43.75
5	68.75
6	100.00
8	177.50
10	276.25
12	397.50

Beginning January 1, 1998, through December 31, 1998

Connection Size (Inches)	Fee
1-1/2	\$26.25
2	26.25
3	26.25
4	46.25
5	72.50
6	105.00
8	186.25
10	290.00
12	417.50

Beginning January 1, 1999, through December 31, 1999

Connection Size (Inches)	Fee
1-1/2	\$28.75
2	28.75
3	28.75
4	50.00
5	78.75
6	113.75
8	202.50
10	316.25
12	456.25

Beginning January 1, 2000

Connection Size (Inches)	Fee
1-1/2	\$31.25
2	31.25
3	31.25
4	53.75
5	85.00
6	122.50
8	218.75
10	342.50
12	467.50

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 945-96.
By Councilman Johnson.
An ordinance establishing the Buckeye Business Revitalization District and to repeal Ordinance No. 589-91 passed June 3, 1991. (Map Change No. 1906, Sheet No. 9)

Whereas, the Board of Trustees of the Buckeye Area Development Cor-

poration has submitted a written request dated April 19, 1996 to the City Planning Commission for expansion and designation of a Business Revitalization district in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied a map identifying the boundaries of the proposed District; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1988:

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the Buckeye Business Revitalization District.

Beginning at the intersection of the center line of Buckeye Avenue, S.E. and the center line of East 130 Street; thence southerly along said center line of East 130 Street to its intersection with the easterly extension of the northerly line of Sublot No. 543 in the Rice Heights Allotment No. 2 as recorded in Volume 48, Page 2 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 543 to its intersection with the westerly line of Sublot No. 544 in said Rice Heights No. 2 Allotment; thence northerly along said westerly line of said Sublot No. 544 to its intersection with the northerly line of Sublot No. 479 in said Rice Heights No. 2 Allotment; thence westerly along said northerly line of said Sublot No. 479 and along its westerly extension to the center line of East 128 Street; thence continuing along the easterly extension of the northerly line of Sublot No. 402 in said Rice Heights No. 2 Allotment and along said northerly line of said Sublot No. 402 to its intersection with the southerly line of Sublot No. 397 in said Rice Heights No. 2 Allotment; thence westerly along said southerly line of said Sublot No. 397 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 397 to its intersection with the southerly line of Sublot No. 396 in said Rice Heights No. 2 Allotment; thence westerly along said southerly line of Sublot No. 396 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 396 to its intersection with a line located thirty five (35) feet north of the northerly line of Sublot No. 392 in said Rice Heights No. 2 Allotment; thence westerly along said line which is parallel to and thirty five (35) feet north of said northerly line of said Sublot No. 392 and along its westerly extension to its intersection with the center line of East 126 Street; thence northerly along said center line of East 126 Street to its intersection with the easterly extension of the northerly line of Sublot No. 309 in the Rice Heights Allotment as recorded in Volume 45, Page 8 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 309 to its intersection with the easterly line of Sublot No. 300 in said Rice Heights Allotment; thence northerly along said easterly line of said Sublot No. 300 to its intersection with the northerly line thereof; thence

westerly along said northerly line of said Sublot No. 300 and along its westerly extension to its intersection with the center line of East 125 Street; thence northerly along said center line of East 125 Street to its intersection with the easterly extension of the northerly line of Sublot No. 209 in said Rice Heights Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 209 to its intersection with the easterly line of Sublot No. 203 in said Rice Heights Allotment; thence northerly along said easterly line of said Sublot No. 203 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 203 and along its westerly extension to its intersection with the center line of East 123 Street; thence northerly along said center line of East 123 Street to its intersection with the easterly extension of the northerly line of Sublot No. 114 in said Rice Heights Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 114 to its intersection with the easterly line of Sublot No. 4 in said Rice Heights Allotment; thence northerly along said easterly line of said Sublot No. 108 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 108 and along its westerly extension to the center line of East 121 Street; thence continuing westerly along the easterly extension of the northerly line of Sublot No. 4 in said Rice Heights Allotment and along said northerly line of said Sublot No. 4 to its intersection with the easterly line of Sublot No. 'T' in said Rice Heights Allotment; thence southerly along said easterly line of said Sublot No. 'T' to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 'T' and along its westerly extension to its intersection with the center line of East 120 Street; thence northerly along said center line of East 120 Street to its intersection with the easterly extension of the northerly line of Sublot No. 141 in the Rice Homestead Allotment as recorded in Volume 45, Page 12 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 141 to its intersection with the easterly line of Sublot No. 114 in said Rice Homestead Allotment; thence northerly along said easterly line of said Sublot No. 114 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 114 and along its westerly extension to its intersection with the center line of East 119 Street; thence southerly along said center line of East 119 Street to its intersection with the easterly extension of the northerly line of Sublot No. 106 in said Rice Homestead Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 106 to its intersection with a line located one hundred four (104) feet east of the easterly line of East 118 Street; thence northerly along said line which is parallel to and one hundred four (104) feet east of said easterly line of East 118 Street to its intersection with the northerly line of Sublot No. 79 in said Rice Homestead Allotment; thence westerly along said northerly line of said Sublot No. 79 and along its westerly extension to its

intersection with the center line of East 118 Street; thence northerly along said center line of East 118 Street to its intersection with the easterly extension of the northerly line of Sublot No. 73 in said Rice Homestead Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 73 to its intersection with the easterly line of Sublot No. 42 in said Rice Homestead Allotment; thence northerly along said easterly line of said Sublot No. 42 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 42 and along its intersection with the center line of East 117 Street; thence northerly along said center line of East 117 Street to its intersection with the easterly extension of the northerly line of Sublot No. 36 in said Rice Homestead Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 36 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 36 and continuing southerly along the westerly lines of Sublots Nos. 35, 34, 33, 32, 31, 30, and 29 in said Rice Homestead Allotment to its intersection with the southerly line thereof; thence easterly along said southerly line of said Sublot No. 29 and along its easterly extension to its intersection with the center line of East 117 Street; thence southerly along said center line of East 117 Street to its intersection with the easterly extension of the northerly line of Sublot No. 26 in said Rice Homestead Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 26 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 26 and continuing southerly along the westerly line of Sublots Nos. 25, 24, 23, 22, 21, and 20 in said Rice Homestead Allotment and along its southerly extension to the center line of Honeydale Avenue, S.E.; thence continuing southerly along the northerly extension of the westerly line of Sublot No. 169 in said Rice Heights Allotment as recorded in Volume 45, Page 8 of the Cuyahoga County Map Records; and along said westerly line of said Sublot No. 169 to its intersection with the southerly line thereof; thence easterly along said southerly line of said Sublot No. 169 to its intersection with a line located one hundred forty (140) feet east of the easterly line of East 116 Street; thence southerly along said line which is parallel to and one hundred forty (140) feet east of said easterly line of East 116 Street and along its southerly extension to its intersection with the center line of Forest Avenue, S.E.; thence westerly along said center line of Forest Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 32 in the Marek Allotment as recorded in Volume 44, Page 28 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 32 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 32 to its intersection with a line located one hundred sixty three and five tenths (163.5) feet east of the westerly line of East 115 Street; thence northerly along said line which is parallel to and one hundred sixty

three and five tenths (163.5) feet east of said westerly line of East 115 Street to its intersection with a line located one hundred twenty (120) feet south of the southerly line of Harvey Avenue, S.E.; thence easterly along said line which is parallel to and one hundred twenty (120) feet south of said southerly line of Harvey Avenue, S.E. to its intersection with a line located one hundred twenty (120) feet west of said westerly line of East 116 Street; thence northerly along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of East 116 Street and along its northerly extension to its intersection with the center line of Harvey Avenue, S.E.; thence westerly along said center line of Harvey Avenue, S. E. to its intersection with the southerly extension of a line located one hundred sixty one (161) feet west of said westerly line of East 116 Street; thence northerly along said southerly extension and along said line which is parallel to and one hundred sixty one (161) feet west of said westerly line of East 116 Street to its intersection with a line located two hundred fifty (250) feet north of the northerly line of Harvey Avenue, S.E.; thence westerly along said line which is parallel to and two hundred fifty (250) feet north of said northerly line of Harvey Avenue, S.E. to its intersection with a line located one hundred sixty five (165) feet west of said westerly line of East 116 Street; thence northerly along said line which is parallel to and one hundred sixty five (165) feet west of said westerly line of East 116 Street to its intersection with a line located three hundred (320) feet north of said northerly line of Harvey Avenue, S.E.; thence westerly along said line which is parallel to and three hundred twenty (320) feet north of said northerly line of Harvey Avenue, S.E. and along its westerly extension to its intersection with the center line of East 115 Street; thence northerly along said center line of East 115 Street to its intersection with the easterly extension of a line located forty five (45) feet north of the southerly line of Sublot No. 158 in the Harvey Rice Jr. Allotment as recorded in Volume 14, Page 42 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said line which is parallel to and forty five (45) feet north of said southerly line of said Sublot No. 158 and along its westerly extension to its intersection with the easterly line of Sublot No. 156 in said Harvey Rice Jr. Allotment; thence southerly along said easterly line of said Sublot No. 156 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 156 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 156 to its intersection with the northerly line of Sublot No. 42 in said Harvey Rice Jr. Allotment; thence westerly along said northerly line of said Sublot No. 42 and along its westerly extension to its intersection with the center line of East 114 Street; thence northerly along said center line of East 114 Street to its intersection with the easterly extension of the northerly line of Sublot No. 71 in said Harvey Rice Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 71 to its intersection with the easterly

line of Sublot No. 72 in said Harvey Rice Jr. Allotment; thence northerly along said easterly line of said Sublot No. 72 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 72 to its intersection with the westerly line of Sublot No. 149 in said Harvey Rice Jr. Allotment; thence northerly along said westerly line of said Sublot No. 149 to its intersection with a line located sixty six (66) feet north of said northerly line of said Sublot No. 72; thence westerly along said line which is parallel to and sixty six (66) feet north of said northerly line of said Sublot No. 72 and along its westerly extension to its intersection with the center line of East 112 Street; thence southerly along said center line of East 112 Street to its intersection with the easterly extension of the northerly line of Sublot No. 103 in said Harvey Rice Jr. Allotment; thence westerly along said easterly extension and along said northerly line of said Sublot No. 103 to its intersection with the easterly line of Sublot No. 104 in said Harvey Rice Jr. Allotment; thence northerly along said easterly line of said Sublot No. 104 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 104 to its intersection with the easterly line of Sublot No. 141 in said Harvey Rice Jr. Allotment; thence northerly along said easterly line of said Sublot No. 141 to its intersection at a point located sixty six (66) feet north of said northerly line of said Sublot No. 104; thence northwesterly from said point to a point located on the east line of East 111 Street said point being located sixty eight (68) feet north of said northerly line of said Sublot No. 104 and along its northwesterly extension to its intersection with the center line of East 111 Street; thence northerly along said center line of East 111 Street to its intersection with the easterly extension of a line located seventy (70) feet north of the northerly line of Sublot No. 137 in said Harvey Rice Jr. Allotment; thence westerly along said easterly extension and along said line which is parallel to and seventy (70) feet north of said northerly line of said Sublot No. 137 to its intersection with the westerly line of Sublot No. 138 in said Harvey Rice Jr. Allotment; thence northerly along said westerly line of said Sublot No. 138 in said Harvey Rice Jr. Allotment; to its intersection with a line located forty five (45) feet north of the southerly line of Sublot No. 3 in the Czernak Realty Company Non-Recorded Subdivision; thence westerly along said line which is parallel to and forty five (45) feet north of said southerly line of said Sublot No. 3 to its intersection with the easterly line of Martin Luther King Jr. Drive; thence northeasterly along said easterly line of Martin Luther King Jr. Drive continuing northeasterly across Buckeye Avenue, S.E. and along the southeasterly line of Martin Luther King Jr. Drive to its intersection with the westerly extension of the northerly line of Sublot No. 1 in the Southern and Latimer Allotment as recorded in Volume 14, Page 38 of the Cuyahoga County Map Records; thence easterly along said westerly extension of said northerly line of said Sublot No. 1 and continuing easterly along the northerly lines of Sublots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 in said Southern and Latimer Allot-

ment to its intersection with the southerly prolongation of the westerly line of Sublot No. 35 in the F.L. Crobaugh Subdivision as recorded in Volume 30, Page 21 of the Cuyahoga County Map Records; thence northerly along said southerly prolongation of said westerly line of said Sublot No. 35 to its intersection with a line located one hundred twenty (120) feet south of the southerly line of Methyl Avenue, S.E.; thence easterly along said line which is parallel to and one hundred twenty (120) feet south of said southerly line of Methyl Avenue, S.E. to its intersection with a line located one hundred twenty (120) feet west of the westerly line of East 116 Street; thence northerly along said line which is parallel to and one hundred twenty (120) feet east of said westerly line of East 116 Street and continuing northerly across Methyl Avenue, S.E. to its intersection with the southerly line of Shaker Boulevard, S.E.; thence easterly along said southerly line of Shaker Boulevard, S.E. and continuing easterly across East 116 Street to its intersection with a line located one hundred twenty five and thirty three hundredths (125.33) feet east of the easterly line of East 116 Street; thence southerly along said line which is parallel to and one hundred twenty five and thirty three hundredths (125.33) feet east of said easterly line of East 116 Street to the center line of Williams Avenue, S.E.; thence westerly along said center line of Williams Avenue, S.E. to its intersection with the northerly extension of a line located one hundred twenty (120) feet west of the westerly line of East 117 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of East 117 Street to its intersection with the northerly line of Sublot No. 25 in the South Woodland Rice Avenue Allotment Non-Recorded Allotment; thence easterly along said northerly line of said Sublot No. 25 and along its easterly extension to its intersection with the center line of East 117 Street; thence southerly along said center line of East 117 Street to its intersection with the westerly extension of a line located seven hundred five (705) feet south of the southerly line of Williams Avenue, S.E.; thence easterly along said westerly extension and along said line which is parallel to and seven hundred five (705) feet south of said southerly line of Williams Avenue, S.E. and along its easterly extension to its intersection with the center line of East 118 Street; thence southerly along said center line of East 118 Street to its intersection with the westerly extension of a line located seven hundred eighty five (785) feet south of said southerly line of Williams Avenue, S.E.; thence easterly along said westerly extension and along said line which is parallel to and seven hundred eighty five (785) feet south of said southerly line of Williams Avenue, S.E. and along its easterly extension to its intersection with the center line of East 119 Street; thence southerly along said center line of East 119 Street to its intersection with the westerly extension of the southerly line of Sublot No. 153 in the South Woodland Rice Avenue Non-Recorded Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 153 and continu-

ing easterly along the southerly line of Sublot No. 160 in said South Woodland-Rice Avenue Non-Recorded Subdivision and along its easterly extension to its intersection with the center line of East 120 Street; thence southerly along said center line of East 120 Street to its intersection with the westerly extension of the southerly line of Sublot No. 202 in said South Woodland-Rice Avenue Non-Recorded Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 202 and continuing easterly along the southerly line of Sublot No. 209 in said South Woodland-Rice Avenue Non-Recorded Subdivision and along its easterly extension to its intersection with the center line of East 122 Street; thence southerly along said center line of East 122 Street to its intersection with the northwesterly extension of a line from a point located eighty five (85) feet north of the northerly line of Buckeye Avenue, S.E. on the easterly line of East 122 Street; thence southeasterly from said point to a point located ninety (90) feet north of the northerly line of Buckeye Avenue, S.E. and approximately fifty and ninety two hundredths (50.92) feet west of the westerly line of East 124 Street; thence northerly from said point along a line which is parallel to and approximately fifty and ninety two hundredths (50.92) feet west of said westerly line of East 124 Street for a distance of approximately fifty (50) feet; thence an easterly prolongation from said point to its intersection with the center line of East 124 Street; thence southerly along said center line of East 124 Street to its intersection with the westerly extension of the southerly line of Sublot No. 21 in the William M. Southern Brugge Farm Allotment as recorded in Volume 35, Page 9 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said southerly line of said Sublot No. 21 and continuing easterly along the southerly line of Sublot No. 27 in said William M. Southern Brugge Farm Allotment and along its easterly extension to its intersection with the center line of East 125 Street; thence southerly along said center line of East 125 Street to its intersection with the westerly extension of the southerly line of Sublot No. 69 in said William M. Southern Brugge Farm Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 69 to its intersection with the westerly line of Sublot No. 75 in said William M. Southern Brugge Farm Allotment; thence southerly along said westerly line of said Sublot No. 75 to its intersection with the southerly line thereof; thence easterly along said southerly line of said Sublot No. 75 and along its easterly extension to its intersection with the center line of East 126 Street to its intersection with the westerly extension of the southerly line of Sublot No. 119 in said William M. Southern Brugge Farm Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 119 and continuing easterly along the southerly line of Sublot No. 125 in said William M. Southern Brugge Farm Allotment to its intersection with the easterly line of Sublot No. 122 in said William M. Southern Brugge Farm Allotment; thence southerly along said easterly line of said Sublot No. 122 to its

intersection with a line located one hundred (100) feet northeast of the northeasterly line of Buckeye Avenue, S.E.; thence southeasterly along said line which is parallel to and one hundred (100) feet northeast of said northeasterly line of Buckeye Avenue, S.E.; and along its southeasterly extension to its intersection with the center line of East 127 Street; thence northerly along said center line of East 127 Street to its intersection with the northwesterly extension of the southwesterly line of Sublot No. 180 in said William M. Southern Brugge Farm Allotment; thence southeasterly along said northwesterly extension and along said southwesterly line of said Sublot No. 180 to its intersection with the northwesterly line of Sublot No. 29 in the Kuster Estate Allotment as recorded in Volume 47, Page 26 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 29 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Sublot No. 29 and along its southeasterly extension to its intersection with the center line of East 128 Street; thence continuing southeasterly along the northwesterly extension of the southwesterly line of Sublot No. 38 in said Kuster Estate Allotment and along said southwesterly line of said Sublot No. 38 to its intersection with the northwesterly line of Sublot No. 75 in said Kuster Estate Allotment; thence southwesterly along said northwesterly line of said Sublot No. 75 to its intersection with the southerly line thereof; thence easterly along said southerly line of said Sublot No. 75 and along its easterly extension to its intersection with the center line of East 130 Street; thence southerly along said center line of East 130 Street to its intersection with the center line of Buckeye Avenue, S.E.; thence northwesterly along said center line of Buckeye Avenue, S.E. to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Buckeye Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. To repeal Ordinance No. 589-91, passed June 3, 1991 establishing the existing Buckeye Business Revitalization District.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 946-96.

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

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

Whereas, this resolution consti-

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

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

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

16013 DAMON AVENUE (VACANT LOT)

PPN: 113-13-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 12.5 feet of Sublot No. 416 and all of Sublot No. 415 in the Eastwood Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 31, Page 27 of Cuyahoga County Records, and together forming a parcel of land 37.5 feet front on the Northerly side of Damon Avenue, formerly Nansen Street, and extending back 101.31 feet on the Easterly line, 101.40 feet on the Westerly line, and having a rear line of 37.5 feet, as appears by said plat be the same more or less but subject to all legal highways.

15900 LAKE SHORE BOULEVARD (PARTIAL TAKING)

PPN: 113-13-029

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

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

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

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

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

Thence South 00° 07' 35" West along the Easterly line of said land

conveyed to Montlack Management Co., also being the Westerly line of said land conveyed to The City of Cleveland, 168.32 feet to the principal place of beginning, and containing 8503.00 sq. ft. of land, be the same more or less, but subject to all legal highways.

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 947-96.

By Councilman Smith.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to San Juan Bautista Church to stretch banners at Fulton Road and Bridge Avenue and at Lorain Avenue and West 33rd Street for the period from June 1, 1996 to June 24, 1996, inclusive, publicizing its Patron Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to San Juan Bautista Church to install, maintain and remove banners at Fulton Road and Bridge Avenue and at Lorain Avenue and West 33rd Street for the period from June 1, 1996 to June 24, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

Ord. No. 948-96.

By Councilman Westbrook.
An emergency ordinance authorizing and directing the purchase by contract for computer hardware and software and related computer services for the Clerk of City Council.

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 Clerk of Cleveland City Council is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: computer hardware, software, installation and training as necessary for the design, development, installation and implementation of computer upgrade, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Cleveland City Council.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, and such other funds that may be appropriated for such use.

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

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

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

Ord. No. 949-96.

By Councilman Robinson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 3. (Rodney Cammon)

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 mobile peddling upon the 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 3; and

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

of a municipal department; now, therefore,

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 3: Rodney Cammon.

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 herein may be revoked at any time by this Council.

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

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

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

Ord. No. 950-96.

By Councilman Johnson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Rodney Cammon)

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 mobile peddling upon the 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 4; 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 person named below to engage in mobile peddling in the public rights of way of Ward 4: Rodney Cammon.

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 herein may be revoked at any time by this Council.

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

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

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

Ord. No. 951-96.

By Councilman Jackson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Philip Alexander - East 40th Street and Carnegie Avenue).

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 peddle upon the 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 person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Philip Alexander at East 40th Street and Carnegie 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 herein may be revoked at any time by this Council.

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

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

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

Ord. No. 952-96.

By Councilman Jackson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Elaine Parker).

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 mobile peddling upon the 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 person named below to engage in mobile peddling in the public rights of way of Ward 5: Elaine Parker.

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 herein may be revoked at any time by this Council.

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

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

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

Ord. No. 953-96.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Rodney Cammon).

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 mobile peddling upon the 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 person named below to engage in mobile peddling in the public rights of way of Ward 5: Rodney Cammon.

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 herein may be revoked at any time by this Council.

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

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

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

Ord. No. 961-96.

By Councilman Rybka.

An emergency ordinance granting permission and authority to the Merchant's Guild of Slavic Village to sell and dispense alcoholic beverages at Morgana Park on Sunday, June 30, 1996, in connection with their 4th of July Picnic.

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

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

Section 1. That notwithstanding anything to the contrary contained in the Codified Ordinances of Cleveland, Ohio, 1976, permission and authority is hereby granted to the Merchant's Guild of Slavic Village to sell and dispense alcoholic beverages at Morgana Park on Sunday, June 30, 1996, in connection with their 4th of July Picnic, provided said selling and dispensing meets all requirements of state 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.

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

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

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 955-96.

By Councilman Polensek.

An emergency resolution urging the City to develop a program designed to provide specially trained nurses to provide assistance to victims of rape.

Whereas, New Jersey, Massachusetts and other states are developing statewide programs in which certain designated nurses are specially trained to examine victims of rape; and

Whereas, these programs are based upon the City of Tulsa's Sexual Assault Nurse Examiners ("SANE") program which seeks to provide more compassionate care for victims of rape through specially trained nurses; and

Whereas, these nurses are trained to respond to the victim's physical trauma and become experienced in evidence collection to help law enforcement officers in locating the rapists; and

Whereas, such programs provide needed comfort to rape victims and have increased the conviction rate against their assailants;

Whereas, this resolution constitutes an emergency measure pro-

viding for the immediate preservation of the public peace, property, health or safety in that the victims of rape need immediate assistance in dealing with their trauma with compassion and understanding; now, therefore,

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

Section 1. That the Council supports and urges the City to develop a program designed to provide specially trained nurses to examine victims of rape based upon Tulsa's SANE program.

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

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

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

Res. No. 956-96.

By Councilman Rybka.

An emergency resolution in support of State Senator Dennis Kucinich's proposed legislation relating to the use of guns in the commission of a crime.

Whereas, the life of Cleveland resident Robin Kasper of Slavic Village was violently taken on December 13, 1995 at an automated teller machine at East 71st Street and Broadway Avenue by a criminal pointing a gun; and

Whereas, the defendant, Vincent Wright, claimed that the gun that killed Ms. Kasper went off accidentally; and

Whereas, it is an intentional decision to use a gun in conjunction with the commission of a crime; and

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

Section 1. That Council does hereby support the legislation to be introduced by State Senator Dennis Kucinich which will eliminate the requirement that the State prove that the defendant had the requisite intent to kill in cases where defendants use guns in the commission of a crime.

Section 2. That the Clerk of Council be hereby directed to transmit four certified copies of this resolution to State Senator Dennis Kucinich, the Speaker of the State House of Representatives, the Minority Leader of the State House of Representatives and the Governor Voinovich.

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

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

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

Res. No. 957-96.**By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 15610 Lake Shore Blvd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 7152011, Raad Inc., dba Sunoco Food Market, 15610 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 8332591, SNNY Inc., dba Sunoco Food Market, 15610 Lake Shore Blvd., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 7152011, Raad Inc., dba Sunoco Food Market, 15610 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 8332591, SNNY Inc., dba Sunoco Food Market, 15610 Lake Shore Blvd., Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 958-96.**By Councilman Rokakis.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4920 Memphis Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 91361820005, Herbert E. Uffman, dba Dairy Mart 5-4827, 4920 Memphis Avenue, Cleveland, Ohio 44109, to Permit No. 1617689, Linda Coleman, dba Dairy Mart 5-4827, 4920 Memphis Avenue, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 91361820005, Herbert E. Uffman, dba Dairy Mart 5-4827, 4920 Memphis Avenue, Cleveland, Ohio 44109, to Permit No. 1617689, Linda Coleman, dba Dairy Mart 5-4827, 4920 Memphis Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 959-96.**By Councilman Rokakis.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4621 Broadview Road.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 50663260100, Lawson Milk Co. 4819, 4621 Broadview Road, Cleveland, Ohio 44109, to Permit No. 8043031-0005, Sharabi Inc., dba Dairy Mart #5-4819, 4621 Broadview Road, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 50663260100, Lawson Milk Co. 4819, 4621 Broadview Road, Cleveland, Ohio 44109, to Permit No. 8043031-0005, Sharabi Inc., dba Dairy Mart #5-4819, 4621 Broadview Road,

Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 960-96.

By Councilman Rybka.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 7001 Union Avenue, and repealing Res. No. 109-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 7001 Union Avenue by Res. No. 109-96, adopted January 22, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; and

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 7001 Union Avenue be and the same is hereby withdrawn and Res. No. 109-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 962-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3628 Independence Road, first floor and basement.

Whereas, Council has been noti-

fied by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 8116642, Elham Shuhaiber, dba Independence Market, 3628 Independence Road, first floor and basement, Cleveland, Ohio 44105, to Permit No. 3486408, Hadeel Market, Inc., 3628 Independence Road, first floor and basement, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 8116642, Elham Shuhaiber, dba Independence Market, 3628 Independence Road, first floor and basement, Cleveland, Ohio 44105, to Permit No. 3486408, Hadeel Market, Inc., 3628 Independence Road, first floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Motion to suspend rules. Charter

and statutory provisions and place on final passage.

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

Res. No. 963-96.

By Councilman Willis.

An emergency resolution withdrawing objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 10509 Ashbury Avenue, and repealing Res. No. 212-96, objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a C1 and C2 Liquor Permit to 10509 Ashbury Avenue by Res. No. 212-96, adopted February 5, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; and

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

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

Section 1. That objection to the transfer of ownership and location of a C1 and C2 Liquor Permit to 10509 Ashbury Avenue be and the same is hereby withdrawn and Res. No. 212-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location thereof.

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

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

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

Res. No. 964-96.

By Councilman White.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 3658 East 108th Street, first floor, and repealing Res. No. 1504-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 3658 East 108th Street, first floor, by Res. No. 1504-95, adopted August 23, 1995; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 3658 East 108th Street, first floor, be and the same is hereby withdrawn and Res. No. 1504-95, containing said objection, be and

the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 965-96.

By Councilman White.

An emergency resolution objecting to the stock transfer of a D5 and D6 Liquor Permit to 3880 Martin Luther King Jr. Drive.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D5 and D6 Liquor Permit to Permit No. 1574215, Club 91 Inc., dba Club 91, 3880 Martin Luther King Jr. Drive, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a D5 and D6 Liquor Permit to Permit No. 1574215, Club 91 Inc., dba Club 91, 3880 Martin Luther King Jr. Drive, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she hereby is directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 625-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with Clean-Land Ohio, to conduct a vacant lot maintenance program for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Approved by Directors of Public Parks, Property and Recreation, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In Section 1, line 6, after "residents" insert the following ", for a period not to exceed one (1) year."

2. In Section 1, lines 8, 9, 10 and 11, strike "with an option to extend the contract for an additional year, exercisable by the Director, under the same terms and conditions"; and in line 12 at the end, strike the period and insert the following: "with prior written notice of the amount to the chairman of Council's Committee on Public Parks, Property and Recreation. The contract shall provide that Clean-Land Ohio shall consult with the member of Council in whose ward a particular City resident resides prior to contracting with said City resident to conduct vacant lot maintenance."

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 633-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide professional services necessary for enhancements to the Division of Water's waterworks plants.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

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

Ord. No. 712-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one electric scissor lift, for the Division of Water, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

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

Ord. No. 713-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of office furniture, for the Division of Cleveland Public Power, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

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

Ord. No. 715-96.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute an easement granting to the Greater Cleveland Transit Authority certain easement rights in property located at South Marginal Road from west of East 9th Street to East 18th Street and declaring said easement rights no longer needed for public use.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning; Recommended by Committee on Finance, when amended as follows:

1. In Section 1, at the end, strike "[Insert Legal]" and insert the following:

"WATERFRONT TRANSIT LINE EASEMENT WEST OF EAST 9TH STREET CLEVELAND, OHIO

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

Commencing at the intersection of the centerline of Erieside Avenue N.E. with the centerline of East 9th Street, 99.00 feet wide;

Thence South 34° 00' 00" East, along the said centerline of East 9th Street a distance of 540.24 feet to a point therein;

Thence South 56° 00' 00" West, a distance of 49.50 feet to a point in the Westerly right-of-way line of East 9th Street, also the Principal Place of Beginning for the parcel herein described;

Thence South 34° 00' 00" East, along the said Westerly right-of-way line a distance of 14.00 feet to a point therein;

Thence along an arc of curve deflecting to the right, a distance of 132.26 feet to a point. Said curve having a radius of 261.50 feet, a delta angle of 28° 58' 43", a tangent of 67.58 feet and a chord of 130.85 feet that bears South 69° 11' 09" West;

Thence South 53° 56' 17" West a distance of 77.41 feet to a point;
 Thence North 31° 39' 14" West a distance of 14.04 feet to a point;
 Thence North 53° 56' 17" East a distance of 76.48 feet to a point;
 Thence North 07° 53' 28" West a distance of 14.05 feet to a point;
 Thence North 49° 18' 33" East a distance of 122.41 feet to a point in the westerly right-of-way line of East 9th Street, as aforesaid;
 Thence South 34° 00' 00" East along the said westerly right-of-way line a distance of 14.10 feet to a point therein;
 Thence South 49° 18' 33" West a distance of 113.13 feet to a point;
 Thence South 07° 53' 28" East a distance of 4.92 feet to a point;
 Thence along an arc of curve deflecting to the left a distance of 118.35 feet to a point. Said curve having a radius of 247.50 feet, a delta angle of 27° 23' 55", a tangent of 60.33 feet and a chord of 117.23 feet that bears North 68° 19' 20" East to a point in the Westerly right-of-way line of aforesaid East 9th Street and the Principal Place of Beginning and containing 0.1080 acre (4,705 square feet) of land, more or less, but subject to all legal highways.
 This description was prepared by Adache-Ciuni-Lynn Associates, Inc. April 18, 1996.

**WATERFRONT TRANSIT
 LINE EASEMENT
 EAST OF EAST 9TH STREET
 CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and more fully described as follows:
 Commencing at the intersection of the centerline of Erieside Avenue N.E. with the centerline of East 9th Street, 99.00 feet wide;
 Thence South 34° 00' 00" East, along said centerline of East 9th Street a distance of 545.03 feet to a point therein;
 Thence North 58° 27' 42" East, a distance of 49.55 feet to a point in the Easterly right-of-way line of East 9th Street, also the Principal Place of Beginning for the parcel herein described;
 Thence North 58° 27' 42" East a distance of 116.75 feet to a point;
 Thence North 55° 20' 20" East a distance of 2193.54 feet to a point;
 Thence North 51° 35' 08" East a distance of 146.31 feet to a point;
 Thence South 33° 42' 34" East a distance of 46.03 feet to a point in the Northerly line of land owned by Conrail;
 Thence South 56° 29' 49" West along said Northerly line a distance of 14.00 feet to a point therein;
 Thence North 33° 42' 34" West a distance of 30.78 feet to a point;
 Thence South 51° 35' 08" West a distance of 131.57 feet to a point;
 Thence South 55° 20' 20" West a distance of 1018.32 feet to a point;
 Thence South 35° 06' 23" East a distance of 39.92 feet to a point in the Northerly line of land owned by Conrail;
 Thence South 56° 04' 56" West along said Northerly line a distance of 14.00 feet to a point therein;
 Thence North 35° 06' 23" West a distance of 39.74 feet to a point;
 Thence South 55° 20' 20" West a distance of 1162.06 feet to a point;
 Thence South 58° 27' 42" West a distance of 116.53 feet to point in the Easterly right-of-way line of East 9th Street as aforesaid;

Thence North 34° 00' 00" West along said Easterly right-of-way line a distance of 14.01 feet to a point therein and the Principal Place of Beginning and containing 0.8124 acres (35,389 square feet) of land more or less, but subject to all legal highways.

This description was prepared by Adache-Ciuni-Lynn Associates, Inc. May 16, 1996.

2. Strike existing Section 4 in its entirety and insert in lieu thereof the following:

"Section 4. That the duration of the easement shall be until such time as said easement should no longer be utilized solely for the purpose of providing electrical service to the Waterfront Line; that the easement shall include reasonable access, ingress and egress rights; that the easement shall not be assignable without the consent of the Director; that the easement shall require that the City be indemnified, and that the Grantee cause the maintenance of the improvements located within the easement, and cause payment of any applicable real property taxes and assessments."

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 762-96.
 By Councilmen Miller, McGuirk, Robinson, Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing landscape and urban forest enhancements at Gunning Park and Luke Easter Park, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Properties, Finance.

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

Ord. No. 764-96.
 By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of office forms, paper and envelopes, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

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

Ord. No. 765-96.
 By Councilman Polensek (by departmental request).

An emergency ordinance to re-extend the retirement date of Lieutenant Michael O'Malley for a one-year period beginning on June 30, 1996, for the Division of Police, Department of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committee on Public Safety.

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

Ord. No. 766-96.
 By Councilmen Polensek, Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with Salvation Army, for administrating and facilitating recreational services in the Collinwood community in Ward 11, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Properties, Finance.

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

Ord. No. 815-96.
 By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement with Innovative Foods, Inc. for the dispensing of food and beverages at various City parks, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance, when amended as follows:

1. In the title, at the end strike the period and insert the following: **"and upon expiration of the agreement with Innovative Foods, to authorize said director to enter into a concession agreement(s) for the operation of food and beverage concession(s) at various city parks."**

2. Insert a new Section 2 to read as follows:

"Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into a concession agreement with the highest and best bidder or bidders after competitive bidding pursuant to Section 108 of the Charter of the City of Cleveland, for the operation of a food and beverage concession at any or all of Gordon, Brookside, Morgana, Luke Easter and Kirtland Parks, each of which agreement shall be for a term not to exceed three (3) years commencing after expiration of the agreement authorized in Section 1 with respect to Gordon, Brookside and Morgana Parks, and upon execution of an agreement with respect to Luke Easter and Kirtland Parks."

3. Renumber existing Section 2 to new **"Section 3."**

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 861-96.
 By Councilmen Polensek, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 677, 679 East 160 Street and 16015 Midland Avenue to Floyd T. Owens.

Approved by Directors of Community Development, City Planning, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance.

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

Ord. No. 864-96.

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

An emergency ordinance to amend Sections 1 and 3 of Ordinance No. 1457-95, passed September 25, 1995, relating to establishing a Community Reinvestment Area in the area of 1200 West Ninth Street.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Recommended by Committee on Finance.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 2285-95.

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

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with Conrail and such other agreements as are necessary to construct the improvements to East 9th Street and to authorize the Commissioner of Purchases and Supplies to acquire such interests in real property as are necessary to make such improvements.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 163-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to amend and restate the Lease By Way of Concession with Host International, City Contract No. 33958, for food and beverage concessions at Cleveland Hopkins International Airport.

Read third time. Passed. Yeas 19. Nays 1.

Those voting Yea: Councilmen Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Zone.

Those voting Nay: Councilman Willis.

Ord. No. 164-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to amend and restate the Lease By Way of Concession with Host International, City Contract No. 42575, for merchandise concessions at Cleveland Hopkins International Airport.

Read third time. Passed. Yeas 19. Nays 1.

Those voting Yea: Councilmen Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Zone.

Those voting Nay: Councilman Willis.

Ord. No. 484-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and material needed to repair cracks, seal joints and seal coating paved areas of the various divisions of the Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 528-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of replacement parts for Chrysler, Dodge, Plymouth, and Jeep light duty trucks and vans, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 529-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency cleanup and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 530-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract with Clean-Land, Ohio to implement the City's Recycling, Litter Prevention Education, and Recycling Public Awareness Program and waste reduction activities for 1996.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 531-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract for replacement parts for Elgin sweepers, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 532-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of replacement parts for Blaw Knox paver equipment, including labor if necessary, for the Division of Motor Vehicle

Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 533-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of replacement parts for Leach packers, including labor if necessary, for the for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 534-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of replacement parts for Barber Greene and Miller asphalt pavers, Ingram, Hyster and Huber rollers and C.S. Johnson cement mixers, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 540-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of hauling and disposing of debris at landfills, for the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 541-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to make safety modifications to escalators, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 542-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials needed to replace the overhead doors at the 5-Point garage facility at the Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 544-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain speedwalks, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 547-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed twenty

five hand held meter reading devices, for the Division of Cleveland Public Power, Department of Public Utilities.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 548-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one four station folding inserting system, for the Division of Cleveland Public Power, Department of Public Utilities.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 619-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal HOME Program funds for administration of the Housing Rehabilitation Programs. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 620-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Department of Community Development; and for reimbursement of nonprofit subrecipients for the cost of the audits required by OMB Circular A-133. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 621-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Code Enforcement and Demolition Programs. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 622-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 623-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and UDAG Repayment funds for the operation of the Storefront Renovation Program and Neighborhood Commercial Hub Program. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 624-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan Grant Programs and Paint Refund Program and to enter into contract with various agencies to implement these programs. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 630-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Cereal Food Processors, Inc. for use and occupancy of certain City-owned property located on the Cuyahoga River, for the Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 631-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement of the rental of one vermeer concrete saw, for the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 645-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fasteners, for the various divisions of City government, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 646-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of long distance telephone service for all City exchanges and a concession agreement for long distance service to coin operated telephones for a period of three years, for the Division of Information System Services, Department of Finance.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 701-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the Federation for Community Planning, fiscal agent for the Summer Sprout Program, to operate a community gardening program. CDBG Year XXII.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 711-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with DAC Services to provide employee background and criminal checks.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 717-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept grants from the Cleveland Foundation and the Gund Foundation for the Housing Court Grant - Legal Assistance Work, on behalf of the Cleveland Municipal Court; and to enter into contract with Housing Advocates to implement the program.

Read third time. Passed. Yeas 20. Nays 0.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilman Edward W. Rybka be and is hereby authorized.

MOTION

The Council adjourned at 9:05 p.m. to meet on Monday, June 3, 1996 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

(Correction to the City Record dated April 24, 1996 Vol. 83, No. 4298)

Due to an editing error, Board of Control Resolution No. 249-96, adopted April 17, 1996 contained a mistake in the Section entitled "Rates For Water Sold Through Master Meters", division (a), part (6). The correct text is as follows:

Rates for Water Sold Through Master Meters

(a) The rates to be charged for the sale of water measured through Master Meters shall be as follows:

(6) To the City of Berea: beginning 4/4/96 through 12/31/96, \$18.98 per mcf; beginning 1/1/97 through 12/31/97, \$20.14 per mcf; beginning 1/1/98 through 12/31/98, \$21.33 per mcf; beginning 1/1/99 through 12/31/99, \$22.59 per mcf; beginning 1/1/00, \$23.90 per mcf.

BOARD OF CONTROL

May 15, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 15, 1996, at 11:00 a.m., with Acting Mayor Hyer presiding.

Present: Acting Mayor Hyer, Acting Director Terry, Directors Kon-

icek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 305-96.

By Director Koniczek.

Be it resolved by the Board of Control of the City of Cleveland that in Resolution No. 249-96, adopted on April 10, 1996, relating to the operation of the Division of Water, Department of Public Utilities, for water service, the sections entitled "Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead" and "Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead" are hereby amended to read as follows:

Direct Service Water Rates in Cuyahoga County Except Cleveland; Regular and Special Homestead

(a) Regular beginning 4/4/96

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Three Cents (\$10.03). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-One Dollars and Forty-Four Cents (\$21.44) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Sixty-Three Cents (\$11.63). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Five Dollars and Sixty-Five Cents (\$25.65) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$13.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Ten Dollars and Seventy-Four Cents (\$10.74). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Two Dollars and Ninety-Six Cents (\$22.96) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to

each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Forty-Five Cents (\$12.45). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Thirty-Nine Cents (\$27.39) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$14.69). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Eleven Dollars and Forty-Eight Cents (\$11.48). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Four Dollars and Fifty-Four Cents (\$24.54) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Twenty-Nine Cents (\$13.29). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Nineteen Cents (\$29.19) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Five Cents (\$15.65). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Twelve Dollars and Twenty-Seven Cents (\$12.27). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Six Dollars and Twenty Cents (\$26.20) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be

Fourteen Dollars and Nineteen Cents (\$14.19). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Nine Cents (\$31.09) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$16.69). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in the low and first high service districts. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Nine Cents (\$13.09). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty Seven Dollars and Ninety-Three Cents (\$27.93) per 1,000 cubic feet.

(2) A minimum service and consumption charge shall be made to each and every customer in the second high district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Thirteen Cents (\$15.13). All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Seven Cents (\$33.07) per 1,000 cubic feet.

(3) A minimum service and consumption charge shall be made to each and every customer in the third high service district. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Seventy-Seven Cents (\$17.77). All water used in excess of 1,000 cubic feet during each three month billing period shall be Thirty Seven Dollars and Ninety-Six Cents (\$37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

(1) A minimum service and consumption charge shall be made to homesteads in the low and first high service districts owned by a person sixty-five years of age or older or by a permanently and totally disabled persons; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Six Dollars and Twenty-One Cents (\$6.21). There shall be a minimum charge of Six Dollars and Twenty-One Cents (\$6.21) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) A minimum service and consumption charge shall be made to homestead in the second high service district owned by a person sixty-five years of age or older or by a permanently and totally disabled person; provided that such

person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Eight Dollars and Twelve Cents (\$.12). There shall be a minimum charge of Eight Dollars and Twelve Cents (\$.12) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(3) A minimum service and consumption charge shall be made to homesteads in the third high service district owned by a person sixty-five years of age or older or by a person permanently and totally disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$.10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$.10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(4) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

Direct Water Service Rates in Summit and Medina Counties; Regular and Special Homestead

(a) Regular beginning 4/4/96 through 12/31/96

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Thirteen Dollars and Seventy-Four Cents (\$.13.74).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Twenty-Nine Dollars and Forty-Two Cents (\$.29.42) per 1,000 cubic feet.

(b) Regular beginning 1/1/97 through 12/31/97

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fourteen Dollars and Sixty-Nine Cents (\$.14.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-One Dollars and Forty-Two Cents (\$.31.42) per 1,000 cubic feet.

(c) Regular beginning 1/1/98 through 12/31/98

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Fifteen Dollars and Sixty-Five Cents (\$.15.65).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Three Dollars and Forty-Nine Cents (\$.33.49) per 1,000 cubic feet.

(d) Regular beginning 1/1/99 through 12/31/99

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Sixteen Dollars and Sixty-Nine Cents (\$.16.69).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Five Dollars and Sixty-Eight Cents (\$.35.68) per 1,000 cubic feet.

(e) Regular beginning 1/1/00

(1) A minimum service and consumption charge shall be made to each and every customer in Summit and Medina Counties. The minimum charge for the first 1,000 cubic feet or less of water used during each three month billing period shall be Seventeen Dollars and Seventy-Seven Cents (\$.17.77).

(2) All water used in excess of 1,000 cubic feet during each three month billing period shall cost Thirty-Seven Dollars and Ninety-Six Cents (\$.37.96) per 1,000 cubic feet.

(f) Special Homestead beginning 8/1/91

A minimum service and consumption charge shall be made to homesteads in Summit and Medina Counties owned by a person sixty-five years of age or older or a permanently disabled person; provided that such person obtains a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code. The charge for each 1,000 cubic feet of water used by each homestead shall be Ten Dollars and Thirty-Five Cents (\$.10.35). There shall be a minimum charge of Ten Dollars and Thirty-Five Cents (\$.10.35) for the first 1,000 cubic feet or less used by each homestead during each three month billing period.

(2) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval on all applications.

All other provisions of said Resolution No. 249-96, adopted April 10, 1996, not expressly amended hereby shall remain unchanged in full force and effect.

Yeas: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 306-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Custom Clutch Joint and Hydraulics, Inc. for an estimated quantity of Hydraulic Pumps, Motors and Valves repair or purchase (Item #1 and #12 Less 10% off List price) (Item #2 Less 15% off List price) (Item 14, 17, 20, Less 25% off List price) (Item #8 and 19 Less 30% off List price) (Item #11 No Discount) (Labor rate \$60.00 per hour) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract received

on the 29th day of March, 1996, pursuant to the authority of Ordinance No. 2004-94, passed December 12, 1994, which on the basis of the estimated quantity would amount to approximately Forty-Nine Thousand and no/100 Dollars, (\$49,000.00), (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 70736

which shall be certified against such contract in the sum of Six Thousand and no/100 Dollars, (\$6,000.00).

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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 307-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kahm Services, Inc. for an estimated quantity of Repair Compactors and Push Pit at Ridge Road Transfer Station (All Items) for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 22nd day of March 22, 1996, pursuant to the authority of Ordinance No. 2281-95, passed February 12, 1996, which on the basis of the estimated quantity would amount to approximately Fifty Thousand and no/100 Dollars, (\$50,000.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 87483

which shall be certified against such contract in the sum of Twenty Thousand and no/100 Dollars, (\$20,000.00).

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

Yeas: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 308-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graffiti, Inc. for an estimated quantity of Uniform Clothing, Item Nos. 55 and 56 for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 11th day of April, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Three Thousand Seven Hundred Fifty and 00/100 Dollars, (\$3,750.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80818

Uniform Clothing

13 of Item #55 - Baseball Caps - Winter, as specified

Uniform Clothing

12 of Item #56 - Baseball Caps - Summer, as specified

which shall be certified against such contract in the sum of One Hundred Eighty-Eight and no/100 Dollars, (\$188.00).

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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 309-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation for an estimated quantity of Uniform Clothing, Item No. 62 for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on the 11th day of April, 1996, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Two Thousand Three Hundred Eighty and 00/100 Dollars, (\$2,380.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80819

Uniform Clothing

2 of Item #62 - 6" Safety Toe Boot, as specified

which shall be certified against such contract in the sum of One Hundred Nineteen and no/100 Dollars, (\$119.00).

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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 310-96.

By Director Hamilton.

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. 107-02-063 located at 945 Ida Avenue, N.E. in Ward 8; 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, Preston and Ora Darling, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 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 purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Preston and Ora Darling for the sale and development of Permanent Parcel No. 107-02-063 located at 945 Ida Avenue, N.E., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 311-96.

By Director Hamilton.

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. 115-13-083 located at 1007 East 147 Street in Ward 10; 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, Henry and Rutisia Brown,, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 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 purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Henry and Rutisia Brown, for the sale and development of Permanent Parcel No. 115-13-083 located at 1007 East 147 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 312-96.

By Director Hamilton.

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. 110-03-038 located at 695 East 117 Street in Ward 9; 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, Pearlle B. Garner, 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 9 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Pearlle B. Garner for the sale and development of Permanent Parcel No. 110-03-038 located at 695 East 117 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 313-96.

By Director Hamilton.

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. 110-14-078 located at 12632 Edmonton Avenue in Ward 9; 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, North R. and Shirley Hendon, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 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 purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with North R. and Shirley Hendon for the sale and

development of Permanent Parcel No. 110-14-078 located at 12632 Edmonton Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 314-96.

By Director Hamilton.

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. 115-06-046 located at 858 East 147 Street in Ward 10; 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, Carol Russ, 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 10 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Carol Russ for the sale and development of Permanent Parcel No. 115-06-046 located at 858 East 147 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 315-96.

By Director Hamilton.

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. 111-15-065 located at 394 East 123 Street in Ward 10; 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, Freddie Lawrence, 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 10 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Freddie Lawrence for the sale and development of Permanent Parcel No. 111-15-065 located at 394 East 123 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 316-96.

By Director Hamilton.

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. 111-12-103 located at 484 East 127 Street in Ward 10; 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, Deryvonne Tyson, 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 10 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Deryvonne Tyson for the sale and development of Permanent Parcel No. 111-12-103 located at 484 East 127 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 317-96.

By Director Hamilton.

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. 008-13-060 located at 1159 Buhner Avenue 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, James O. Melton, 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 Codes; 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 Commu-

nity Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with James O. Melton for the sale and development of Permanent Parcel No. 008-13-060 located at 1159 Buhner Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 318-96.

By Director Hamilton.

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. 004-19-076 located at 2357 West 6 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, Donna Joy, 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Donna Joy for the sale and development of Permanent Parcel No. 004-19-076 located at 2357 West 6 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman,

Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 319-96.

By Director Hamilton.

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. 017-06-056 located at 3161 West 84 Street in Ward 18; 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, Nancy J. Riedy, 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 18 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 Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Nancy J. Riedy for the sale and development of Permanent Parcel No. 017-06-056 located at 3161 West 84 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 320-96.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcels Nos. 139-15-142 and 139-15-143 under said Land Reutilization Program; and

Whereas, Ordinance No. 1827-95 passed December 18, 1995 authorized the sale of said parcels subject to the direction of the Board of Control; and

Whereas, Amistad Development Corp. 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. 1827-95 passed December 18, 1995 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 Amistad Development Corp. for the sale and development of Permanent Parcels Nos. 139-15-142 and 139-15-143 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 321-96.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 107-02-084 under said Land Reutilization Program; and

Whereas, Ordinance No. 2044-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Phillip J. Shepherd 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. 2044-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Phillip J. Shepherd to transfer and sell Permanent Parcel No. 107-02-084, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 322-96.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 132-15-091 under said Land Reutilization Program; and

Whereas, Ordinance No. 488-96 passed May 6, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Broadway Area Housing Coalition 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. 488-96 passed May 6, 1996 by the Cleveland City Council, the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland to transfer and sell Permanent Parcel No. 132-15-091, as further described in said Ordinance, to Broadway Area Housing Coalition, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, 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: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 323-96.

By Director Hyer.

Resolved by the Board of Control of the City of Cleveland that the bid of Dorn Technology Group, Incorporated for the following: Hardware and Software for a Data Processing Network to Assist in Management of the City's Worker's Compensation function (All Items) for the Department of Finance, received on the 27th day of March, 1996, pursuant to the authority of Ordinance No. 397-95, passed April 3, 1995, which on the basis of order quantity would amount to \$49,665.00, (2% 30 Days), is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Yeas: Acting Mayor Hyer, Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 3, 1996

9:30 A.M.

Calendar No. 96-67: 4009 W. 143 St.
John Schmidt, owner, to erect a 25' x 15.5' one story carport/awning to the south side of the 25' x 20' private garage located on the rear of a 40' x 126' corner lot located in a One Family District on the northeast corner of Clifford Ave. and W. 143 St., with a one and one half story frame dwelling house, known as 4009 W. 143 St., located on the front thereof; said addition to increase the area of accessory buildings on the lot to 1112 square feet contrary to the 669 square feet maximum of Section 337.23 and the existing private garage and the addition to be located 3' 6" from the dwelling to the east at 14212 Clifford Ave. instead of 10' therefrom as required by Section 337.23 and said addition to be located at the street line of Clifford Ave. instead of back of the setback building line as determined by and required by Sections 357.05 and 357.14 of the Codified Ordinances.

Calendar No. 96-68: 540 E. 105 St.
Cleveland Enterprise Group, owner, c/o Stephanie McHenry, and GTE Mobilnet Inc., tenant, c/o Wm. Stevens, to erect a 136' high monopole communications tower on the 493.8' x 208.44 irregular shaped corner parcel located in a Local Retail District, for the east 100', Multi-Family District, for the 163.8' x 108' northwest portion, and Semi-Industry District, and occupied by various industrial buildings known as 540 E. 105 St.; said proposed pole to be located in the B-2 Semi-Industry portion and therefore contrary to the 90' high maximum of Sections 353.01 and 353.02 of the Codified Ordinances.

Calendar No. 96-69: 4801 W. 139 St.
Michael Opperman, owner, to erect a 78' x 50' masonry addition to the rear of the 30' x 40' one story masonry machine shop building on an 80' x 115' lot located in a Semi-Industry District at 4801 W. 139 St.; said premises not to conform to the landscaping requirements (10' deep landscaped strip along east property line) of Section 352.10 of the Codified Ordinances.

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

rear south portion of the 160' x 111.7' parcel located in a C-Multi-Family District and occupied by a substation known as 3531 E. 142 St.; said proposed tower to exceed the 50' maximum height limit of Sections 353.01 and 353.02 of the Codified Ordinances.

Calendar No. 96-71: 2006 Natchez Ave., S.W.

Thomas Reindel, owner, to enclose the 7'6" x 26' open front porch of the 26' x 30' two story frame dwelling on a 40' x 127' lot located in a One Family District at 2006 Natchez Ave.; said enclosure to be contrary to the enclosure and setback encroachment provisions of Section 357.13 of the Codified Ordinances.

Calendar No. 96-72: 18307 Invermere Ave., S.E.

Karen Reid, owner, to erect an 8' x 20' pigeon loft on the rear of a 60' x 139' lot located in a One Family District with a one and one half story frame dwelling on the front thereof and known as 18307 Invermere Ave.; said pigeon loft to be located 80' from the nearest residence contrary to the 100' distance requirement of Section 347.02 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 20, 1996

At the Meeting of the Board of Zoning Appeals, on Monday, May 13, 1996, the following appeals were heard by the Board, and decided on Monday, May 20, 1996.

The following appeals were **Granted**:

Calendar No. 96-54: 4003-07 Franklin Blvd., N.W.

Franklin Estates Inc., owner, c/o James L. Hauer, and Joseph L. Zimmerman, prospective purchaser, to erect a 40' x 22' one story frame private garage.

Calendar No. 96-56: 6903 Father Caruso Dr., N.W.

Nolasco Housing Corp., owner, c/o Charles Manno, to erect a 107' x 40' three and one-half story 5 unit townhouse building and a 128' x 40' three and one-half story 6 unit townhouse building.

The following appeal was **Refused**:

Calendar No. 96-44: 15600 Lorain Avenue

John Porach, owner, and Ganley Dodge West Inc., tenant, to use for the storage of new auto inventory the open area on the rear of the 330' x 603' irregular shaped corner lot.

The following appeal was also **Granted** on May 20, 1996.

Calendar No. 96-62: 1200 W. 9th Street National Terminal Apartments L.L.C., owner, c/o The Alexander Co., Randy Alexander, to convert to commercial/retail and 249 dwelling units the 320' x 240' 9 story masonry warehouse building.

The following appeals were **Withdrawn**:

Calendar No. 96-42: 4291 E. 167th St.

Calendar No. 96-57: 12612 Miles Avenue, S.E.

The following appeals were **Postponed**:

Calendar No. 96-55: 14700 Miles Avenue S.E. to July 1, 1996.

Calendar No. 96-58: 12502 Kinsman Rd., S.E. to June 3, 1996.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
May 15, 1996

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 the subject meeting is given for publication in the City Record:

* * *

Docket L-2-96.

RE: Appeal of Joseph B. Golubitsky, from an ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments and Licenses dated April 11, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket L-2-96 has been POSTPONED; to be rescheduled for May 29, 1996.

* * *

Docket A-4-96.

RE: Appeal of Daryl and Mel S. Ross dba The Bernard Group, Owner of the Property located on the premises known as 2012 West 25th Street from a NOTICE OF VIOLATION - NEC of the Commissioner of the Division of Building and Housing dated December 19, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action.

* * *

Docket A-27-96.

RE: Appeal of Charles Pearson, Owner of the Property located on the premises known as 1415 East 45th Street from a NOTICE OF VIOLATION - EXT. MAINT. of the Commissioner of the Division of Building and Housing dated January 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty days (30 das.) in which to abate the violations, and to REMAND the property at 1415 East 45th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-55-96.

RE: Appeal of Robert Olds Sr., Owner of the Residential Property located on the premises known as 7722 Rawlings Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated March 26, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to abate the violations, the property may be occupied at this time by a security person, a single adult, pending the approval of the electrical inspector. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by June 29, 1996. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-63-96.

RE: Appeal of Walter R. Sodini, Owner of the Property located on the premises known as 9513 Detroit Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated March 28, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-63-96 has been POSTPONED; to be rescheduled for June 12, 1996.

* * *

Docket A-64-96.

RE: Appeal of John and Dorothy Flanagan, Owners of the Residential Property and Proposed Swimming Pool located on the premises known as 3805 Germaine Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 30, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the pool to be installed approximately three feet (3 ft.) from the side lot line, noting the concurrence of the neighbor with the provision that the pool be installed ten feet (10 ft.) from the rear property line. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-66-96.

RE: Appeal of YMCA Greater Cleveland, Owner of the Property located on the premises known as 11111 St. Clair Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated April 19, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances as follows:

Item 2, OBBC Section 1014.11:

To grant the variance and permit the occupancy of the lower level for headstart for children no younger than three (3) years of age, with existing exiting as indicated and noting that there is an enclosed discharged exit to grade from the lower level at one end.

Item 2, OBBC Section 1020.0:

To grant the variance and allow the second exit to exist up through the lobby area either through a front or south door and through the exit corridor to the west, with the provision that emergency lighting and manual fire alarm systems be installed throughout. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-70-96.

RE: Appeal of Cleveland Center for Structural Biology, Owner of the Property located on the premises known as 10909 Carnegie Avenue from an ADJUDICATION ORDER II of the Commissioner of the Division of Building and Housing dated May 7, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance for Items 2, 3, 4, & 5 of the Adjudication Order (reissued May 7, 1996) to the required rated protectives and exit access discharges from the building, provided that recorded easements are presented for all sides of the building for the structures to be erected on adjacent property lines; and that the adjacent property owners agree not to erect structures within the code required distances during the duration of the occupancy of this building by the current tenant. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified

Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-37-96—MVB Mortgage Corporation
- A-39-96—Josephine Walker
- A-58-96—Grace Lin
- A-62-96—A & D Realty Company

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

May 1, 1996

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
on City Planning**

**In Room 217
City Hall, Cleveland, Ohio
On Wednesday, June 5, 1996
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 Room 217, City Hall, Cleveland, Ohio, on Wednesday, June 5, 1996 at 1:30 P.M., to consider the following ordinances now pending in the Council:

**Ord. No. 491-96.
By Councilman Jackson.
An ordinance to change the Use District of lands located between E. 40 Street and E. 46 Street approximately 154.50' south of Carnegie Avenue, S.E. (Map Change No. 1899, Sheet No. 5)**

**Ord. No. 557-A-96.
By Councilman Smith.
An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at 1448 Dexter Place. (Map Change No. 1901, Sheet No. 1)**

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

Edward W. Rybka,
Chairman
Committee on City Planning
May 22 and May 29, 1996

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."

THURSDAY, MAY 30, 1996

Crack Sealing on Runways and Taxiway, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 484-96, passed by the Council of the City of Cleveland. A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 23, 1996, AT 2:00 P.M. IN THE TERMINAL BUILDING CONFERENCE ROOM, BURKE LAKEFRONT AIRPORT.

May 15 and May 22, 1996

FRIDAY, MAY 31, 1996

Gunning Park Landscaping and Site Improvements, for the Division of

Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-94, passed by the Council of the City of Cleveland, November 21, 1994.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

One (1) Cab and Chassis with Hydraulic Log Grapple Crane, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 202-96, passed by the Council of the City of Cleveland, February 26, 1996.

One (1) Customized Recreational Vehicle, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1231-95, passed by the Council of the City of Cleveland, October 23, 1995.

Ford Passenger Car Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 480-96, passed by the Council of the City of Cleveland, April 29, 1996.

May 15 and May 22, 1996

THURSDAY, JUNE 6, 1996

Spring Road Relief Sewer Materials Supply, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 111-93, passed by the Council of the City of Cleveland, February 8, 1993.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 29, 1996, AT 10:00 A.M. IN THE AUDITORIUM OF THE WATER POLLUTION CONTROL BUILDING, 12302 KIRBY ROAD.

THIS IS A MINORITY BUSINESS ENTERPRISE SET-ASIDE PROJECT.

May 15 and May 22, 1996

THURSDAY, JUNE 6, 1996

Spring Road Relief Sewer Construction, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 111-93, passed by the Council of the City of Cleveland, February 8, 1993.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS

AFTER THE BID OPENING DATE. A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 29, 1996, AT 10:00 A.M. IN THE AUDITORIUM OF THE WATER POLLUTION CONTROL BUILDING, 12302 KIRBY ROAD.

THIS IS A MINORITY BUSINESS ENTERPRISE SET-ASIDE PROJECT.

May 15 and May 22, 1996

THURSDAY, JUNE 6, 1996

Unitized Breakfasts, Lunches and Snacks, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 33-96, passed by the Council of the City of Cleveland, February 12, 1996.

May 22 and May 29, 1996

WEDNESDAY, JUNE 12, 1996

Computer Equipment and Supplies, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 2106-95, passed by the Council of the City of Cleveland, December 18, 1995.

THIS PROJECT IS A MINORITY SET-ASIDE.

One (1) Payment Processor Envelope Extractor Machine, for the Division of Fiscal Control, Department of Public Utilities, as authorized by Ordinance No. 35-96, passed by the Council of the City of Cleveland, April 1, 1996.

Sewer Test Tee Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-90, passed by the Council of the City of Cleveland, June 11, 1990.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JUNE 5, 1996, AT 10:00 A.M., AT 12302 KIRBY AVENUE.

THIS PROJECT IS A MINORITY SET-ASIDE.

May 22 and May 29, 1996

FRIDAY, JUNE 14, 1996

Two (2) Six-Passenger Crew Cab Heavy Duty Dump Trucks, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Four (4) Insulated Aerial Bucket Trucks, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Three (3) 65' Insulated Aerial Bucket Trucks with Material Handling Capabilities, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Three (3) 47' Digger Derrick and Line Construction Body Trucks, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Four (4) Cargo Vans, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Two (2) Cab and Chassis with Stake Body, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1006-95, passed by the Council of the City of Cleveland, June 19, 1995.

Automotive and Truck Batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 477-96, passed by the Council of the City of Cleveland, April 29, 1996.

May 22 and May 29, 1996

WEDNESDAY, JUNE 19, 1996

Natural Gas, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 50-95, passed by the Council of the City of Cleveland, February 13, 1995.

May 22 and May 29, 1996

THURSDAY, JUNE 20, 1996

SSITack Coat, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 200-96, passed by the Council of the City of Cleveland, April 1, 1996.

Traffic Cones and Safety Drums, for the Division of Streets, Department of Public Service, by the Council of the City of Cleveland, April 1, 1996.

Plow Blades and Curb Bumpers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 237-96, passed by the Council of the City of Cleveland, April 1, 1996.

May 22 and May 29, 1996

FRIDAY, JUNE 21, 1996

Four (4) Ambulances, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 811-96.

Paint and Paint Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 642-96.

Lumber, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 640-96.

May 22 and May 29, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2156-95.

By Councilman Rybka (by request).

An emergency resolution declaring the intention to vacate a portion of East 77th Place.

Whereas, this Council is satisfied that there is good cause for vacate a portion of East 77th Place, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate:

The following described real property, located in Cleveland, Cuyahoga, Ohio, and known as;

Being all that portion of **EAST 77TH PLACE**, (20.00 feet wide) extending from the the Northerly line of Coral Avenue S.E., (30.00 feet wide), Northerly, to the Southerly line of Bates Avenue S.E., (40 feet wide).

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 May 13, 1996.

Effective May 22, 1996.

Res. No. 263-96.

By Councilman Johnson (by request).
An emergency resolution declaring the intention to vacate a portion of East 92nd Place.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 92nd Place, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate:

The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: **EAST 92ND PLACE**, (12.00 feet wide) extending 140.17 feet Northerly from the Northerly line of Kennedy Avenue S.E. (50.00 feet wide).

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 May 13, 1996.

Effective May 22, 1996.

Res. No. 322-96.

By Councilman Paulenske (by request).

An emergency resolution declaring the intention to vacate a portion of Hazard Court, N.E.

Whereas, this Council is satisfied that there is good cause for vacating all that portion of Hazard Court, N.E., as hereinafter described; and

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

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

Section 1. That it hereby declares its intention to vacate the following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of **HAZARD COURT, N.E.** (width varies) located between East 21st Street (66.00 feet wide), and East 22nd Street (60.00 feet wide).

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 May 13, 1996.

Effective May 22, 1996.

Res. No. 376-96.

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

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

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

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by planting, trimming, creating or excavating cutouts for shade trees, and other related activities in and along the streets of the downtown area of the City of Cleveland during the 1996-97 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, creating or excavating cut-outs for shade trees and other related activities in and along the streets of the downtown area of the City of Cleveland during a 12-month period beginning during 1996 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council; and

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

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

Section 1. That it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants there-

of to control the blight and disease of shade trees within public rights of way by planting, trimming, creating or excavating cut-outs for shade trees, and other related activities (collectively, "Tree Maintenance") in and along the streets of a portion of the downtown area of the City of Cleveland for a 12-month period beginning during 1996.

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

BOUNDARIES OF TREE MAINTENANCE DISTRICT

Beginning on the centerline of the Conrail Railroad right-of-way at its intersection with the Northerly prolongation of the centerline of West 10th Street;

Thence Southerly and Southeasterly along the Northerly prolongation and the centerline of West 10th Street to its intersection with the centerline of Superior Avenue N.W.;

Thence Easterly along the centerline of Superior Avenue N.W.; to its intersection with the Northerly prolongation of the Easterly right-of-way line of Columbus Road N.W.;

Thence Southerly along said Northerly prolongation and the Easterly right-of-way line of Columbus Road N.W. and its Southerly prolongation to its intersection with the centerline of the Cuyahoga River;

Thence Easterly and Southeasterly along the center line of the Cuyahoga River to its intersection with the Easterly right-of-way line of Huron Road S.E.;

Thence Northerly along the Easterly right-of-way line of Huron Road S.E. to its intersection with the Southeasterly right-of-way line of Prospect Avenue S.E.;

Thence Southeasterly along the Southeasterly right-of-way line of Prospect Avenue S.E. to its intersection with the centerline of East 18th Street;

Thence Northerly along the centerline of East 18th Street and along its Northerly prolongation to its intersection with the centerline of said Conrail right-of-way;

Thence Westerly along said centerline of the Conrail right-of-way to its intersection with the Northerly prolongation of the center line of West 10th Street and the place of beginning.

Section 3. That the plans, specifications and profiles for said Tree Maintenance, at the estimated cost of \$169,900.00, heretofore prepared and placed in File No. 376-96-A in the Office of the Clerk of Council, are hereby approved.

Section 4. That the entire cost of such Tree Maintenance in the 1996-97 Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1996-97 Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordi-

nances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

Section 5. That the assessments to be levied shall be payable in cash within thirty (30) days after passage of the City's ordinance of assessment or at the option of the owner in one (1) annual installment. All cash payments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 6. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessment.

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

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 561-96.
By Councilmen Patmon, Jackson, Rybka and Rokakis (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for redevelopment and/or rehabilitation of the blighted premises located at 10700 Helena Avenue, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances, Cleveland, Ohio, relating to the elimination of spot blight;

Whereas, pursuant to the authority of Chapter 324 of the Codified Ordinances, the Council of the City of Cleveland approved and passed Ordinance No. 1016-95, passed November 27, 1995, wherein Council found and determined that Permanent Parcel Number 108-29-068 located at 10700 Helena Avenue, Cleveland, Ohio are blighted premises and that the acquisition and redevelopment and/or rehabilitation of the blighted premises is necessary in order eliminate the blight and prevent its recurrence; and

Whereas, this resolution constitutes an emergency measure pro-

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

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 10700 Helena Avenue through acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council does hereby declare its intent to appropriate such fee simple interest in and to the following described blighted premises:

10700 HELENA AVENUE
PPN: 108-29-68

PARCEL 1

Situated in the City of Cleveland, Ohio, County of Cuyahoga and State of Ohio, and known as being Sublot No. 96 in the Linn and Issel Subdivision of part of original One Hundred Acre Lot No. 362, as shown by the recorded plat in Volume 38 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Helena Avenue, N.E. and extending back equal width 105 feet, deep as appears by said plat, be the same more or less, but subject to all legal highways.

PARCEL 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in the Linn and Issel Subdivision of part of original One Hundred Acre Lot No. 362, as shown by the recorded plat in Volume 38 of Maps, Page 16 of Cuyahoga County Records and being 101-90/100 feet front on the Southerly side of Helena Avenue N.E., 105 feet deep on the Easterly line, 124-64/100 feet on the Southwesterly line and 34-74/1000 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 580-96.
By Councilmen Smith, Jackson, Rybka and Rokakis (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for redevelopment and/or rehabilitation of the blighted premises located at 1846 West 50th Street, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved

and adopted Chapter 324 of the Codified Ordinances, Cleveland, Ohio, relating to the elimination of spot blight;

Whereas, pursuant to the authority of Chapter 324 of the Codified Ordinances, the Council of the City of Cleveland approved and passed Ordinance No. 879-95, passed November 27, 1995, wherein Council found and determined that Permanent Parcel Number 002-35-030 located at 1846 West 50th Street, Cleveland, Ohio are blighted premises and that the acquisition and redevelopment and/or rehabilitation of the blighted premises is necessary in order eliminate the blight and prevent its recurrence; and

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

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 1846 West 50th Street through acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council does hereby declare its intent to appropriate such fee simple interest in and to the following described blighted premises:

1846 West 50th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly one-half of Sublot No. 323 in Benedict and Root's Subdivision of a part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat of said Subdivision in Volume 1 of Maps, Page 13 of Cuyahoga County Records, said part of Sublot No. 323 has a frontage of 30 feet on the Westerly side of West 50th Street (formerly Birch Street), and extends back of equal width, 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 879-96.
By Councilman Patmon.
An emergency resolution objecting to the issuance of a D4 Liquor Permit to 1270 East 105th Street.

Whereas, Council has been notified by the Director of Liquor Con-

trol of an application for the issuance of a D4 Liquor Permit to Permit No. 9970344-0005, Zulus Motorcycle Club Inc., Chapter II, dba Zulus M.C., 1270 East 105th Street, Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a D4 Liquor Permit to Permit No. 9970344-0005, Zulus Motorcycle Club Inc., Chapter II, dba Zulus M.C., 1270 East 105th Street, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 880-96.
By Councilman Patmon.
An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10929 St. Clair Avenue, and repealing Res. No. 1523-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10929 St. Clair Avenue by Res. No. 1523-95, adopted August 23, 1995; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 10929 St. Clair Avenue be and the same is hereby withdrawn and Res. No. 1523-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 881-96.
By Councilman Patmon.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 9021 St. Clair Avenue, first floor and basement, and repealing Res. No. 1522-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 9021 St. Clair Avenue, first floor and basement, by Res. No. 1522-95, adopted August 23, 1995; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 9021 St. Clair Avenue, first floor and basement, be and the same is hereby withdrawn and Res. No. 1522-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 882-96.
By Councilman Patmon.
An emergency resolution withdrawing objection to the renewal of a D4 Liquor Permit to 1073 East 79th Street, and repealing Res. No. 1479-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a D4 Liquor Permit to 1073 East 79th Street by Res. No. 1479-95, adopted August 23, 1995; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D4 Liquor Permit to 1073 East 79th Street be and the same is hereby withdrawn and Res. No. 1479-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 883-96.
By Councilman Robinson.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3501 East 93rd Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 0311124-0010, Faddie S. Attallah, dba Mickey's Mini Mart, 3501 East 93rd Street, Cleveland, Ohio 44104; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Direc-

tor 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 issuance of a C1 Liquor Permit to Permit No. 0311124-0010, Faddie S. Attallah, dba Mickey's Mini Mart, 3501 East 93rd Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 13, 1996.

Effective May 22, 1996.

Res. No. 887-96.

By Councilman Melena.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, first floor, basement and front, and repealing Res. No. 329-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, first floor, basement and front, by Res. No. 329-96, adopted February 26, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, first floor, basement and front, be and the same is hereby withdrawn and Res. No. 329-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted May 13, 1996.

Effective May 22, 1996.

Ord. No. 1084-95.

By Councilman McGuirk (by departmental request).

An emergency ordinance to amend Section 473.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as

amended by Ordinance No. 2723-89, passed June 18, 1990 relating to riding on sidewalks; and to enact Section 401.501 thereof relating to definition of rollerskates.

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

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

Section 1. That Section 473.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2723-89, passed June 18, 1990, is hereby amended by read as follows:

Section 473.09 Riding on Sidewalks

(a) No person shall ride a bicycle, skateboard or rollerskates upon a sidewalk within a business district.

(b) No person shall ride a bicycle, skateboard or rollerskates upon a sidewalk within the City or paved area within a public park owned by the City when the Chief of Police or Traffic Control Commissioner has prohibited the riding of a bicycle, skateboard or rollerskates thereon and, with the consent of the member or members of Council in whose ward(s) the sidewalk or paved area within a public park is located has erected signed on or along such sidewalks or paved areas setting forth such prohibition.

(c) Whenever a person is riding a bicycle, skateboard or rollerskates upon a sidewalk within the City or paved area within a public park owned by the City, such person shall yield the right of way to any pedestrian and give an audible signal before attempting to overtake and pass such pedestrian.

(d) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. That existing Section 473.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2723-89, passed June 18, 1990, is hereby repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 401.501 thereof to read as follows:

Section 401.501 Rollerskates

Rollerskates means a device, propelled solely by human power, worn on the user's feet like shoes, consisting of a shoe or boot with wheels attached on the bottom of the shoe or boot allowing the user to be propelled over land by alternate action of the legs, this includes devices commonly known as "rollerblades."

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 May 13, 1996.

Effective May 25, 1996 without the signature of the Mayor.

Ord. No. 80-96.

By Mayor White and Councilman Rybka.

An emergency ordinance to change the name of Chester Commons to Ralph J. Perk Plaza.

Whereas, it is most fitting and appropriate to recognize Ralph J. Perk for his years of dedicated service to the citizens of Cleveland; and

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

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

Section 1. That the name of Chester Commons is hereby changed to the Ralph J. Perk Plaza.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of appropriate signs, nameplates and plaques and the altering of references to the plaza to reflect the change of name.

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

Passed May 13, 1996.

Effective May 22, 1996.

Ord. No. 95-96.

By Councilman Lewis.

An ordinance to change the Use District of lands at the northwest corner of E. 84 Street and Hough Avenue, N.E. and to establish a specific 5' Building Setback on E. 84 Street within Zoning change. (Map Change No. 1897, Sheets Nos. 4 & 5)

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

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

Beginning at the intersection of the center line of East 84 Street and the center line of Hough Avenue, N.E.; thence westerly along said center line of Hough Avenue, N.E. to its intersection with the southerly extension of the westerly line of Sublot No. 7 in the C.F. Pedreck Allotment as recorded in Volume 5, Page 19 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 7 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 7 and along its easterly extension to the center line of East 84 Street; thence southerly along said center line of East 84 Street; to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1897, Sheets Nos. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. To establish a specific Building Setback Line of five (5) feet.

Beginning at the northerly line of Hough Avenue, N.E. on the westerly side of East 84 Street; thence

northerly for a distance of one hundred thirty (130) feet and as outlined in green on the map hereto attached, a specific five (5) foot Building Setback line is hereby established.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 1897, Sheets Nos. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 13, 1996.
Effective June 21, 1996.

Ord. No. 165-96.

By Councilman Coats.

An ordinance to change the Use District of lands on the northwesterly side of St. Clair Avenue, N.E. and the northeasterly side of Casper Road, N.E. (Map Change No. 1898, Sheets Nos. 7 & 8)

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

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

Beginning at the intersection of the center line of St. Clair Avenue, N.E. and the center line of Casper Road, N.E.; thence northwesterly along said center line of Casper Road, N.E. to its intersection with the center line of Hallock Court, N.E.; thence northeasterly along said center line of Hallock Court, N.E. to its intersection with the northwesterly extension of the northeasterly line of Sublot No. 401 in the Glenhaven Subdivision (Schatzinger Consolidated Realty Co.) as recorded in Volume 38, Page 8 of the Cuyahoga County Map Records; thence southeasterly along said northwesterly extension and along said northeasterly line of said Sublot No. 401 and along its southeasterly extension to the center line of St. Clair Avenue, N.E.; thence southwesterly along said center line of St. Clair Avenue, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1898, Sheets Nos. 7 & 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed May 13, 1996.
Effective June 21, 1996.

Ord. No. 251-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to lease a document management system for a period of three years,

at a cost of \$1.00 per year, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized to lease a document management system from local insurance carriers based on their proposal dated June 12, 1995. The lease shall be for a period of three (3) years at a cost of \$1.00 per year. The cost of the lease authorized by this section shall be paid from Fund No. 01-60-02-0320, Request No. 20096.

Notwithstanding any provision of Section 135.44 of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director may, at his discretion, include a provision in the lease to exempt the insurance carriers that provide the system from all or some of the costs charged to others for producing police accident reports. The lease shall be prepared by the Director of Law and contain such provisions as are necessary, in the opinion of the Directors of Public Safety and Law, to protect the interests of the City of Cleveland.

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 315-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain landscapes at various waterworks facilities, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to maintain landscapes at various waterworks facilities in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desir-

able by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20936)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 317-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a Humphrey Park Facility expansion project at 15900 Lake Shore Boulevard and 16013 Damon Avenue, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding the Humphrey Park Facility:

15900 LAKE SHORE BOULEVARD
(PARTIAL TAKING)

PPN: 113-13-029

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

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

Thence North 89° 52' 03" West along the Northerly line of said Eastwood Subdivision, also being the Southerly line or said land conveyed to Montlack Management Co., 53.47 feet to a point being the Northwesterly corner of Sublot 414 in said Subdivision;

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

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

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

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

16013 DAMON AVENUE
(VACANT LOT)

PPN: 113-13-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 12.5 feet of Sublot No. 416 and all of Sublot No. 415 in the Eastwood Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 31, Page 27 of Cuyahoga County Records, and together forming a parcel of land 37.5 feet front on the Northerly side of Damon Avenue, formerly Nansen Street, and extending back 101.31 feet on the Easterly line, 101.40 feet on the Westerly line, and having a rear line of 37.5 feet, as appears by said plat be the same more or less but subject to all legal highways.

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

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

Section 4. That all costs of acquisition of land shall be paid from Fund Nos. 20 SF 180, 20 SF 303, 20 SF 192 and 20 SF 323, Request No. 20556.

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 318-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Maltese Fire Equipment for the purchase of replacement parts and labor for L.T.I. apparatus in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Services, Department of Public Safety, for a two year period.

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

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

Section 1. That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Maltese Fire Equipment. Therefore, the Director of Public Safety be and he hereby is authorized and directed to make a written requirement contract for the period of two years with said Maltese Fire Equipment for replacement parts and labor for L.T.I. apparatus being used by the Division of Fire and Emergency Medical Services in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Services, Department of Public Safety.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21145)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 319-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Simon Duplex for the purchase of replacement parts and labor for duplex chassis in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Services, Department of Public Safety, for a two year period.

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

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

Section 1. That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Simon Duplex. Therefore, the Director of Public Safety be and he here-

by is authorized and directed to make a written requirement contract for the period of two years with said Simon Duplex for replacement parts and labor for duplex chassis being used by the Division of Fire and Emergency Medical Services in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Services, Department of Public Safety.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21146)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 321-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2407 W. 40 Street and 2413 W. 40 Street.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 007-04-037 and 007-04-038, as more fully described in Section 2 below, to Johnny F. and Joann Belt.

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. 007-04-037

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 16 in J.P. Hill's Allotment of part

of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 40th Street, (formerly Freas Avenue), and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 007-04-038
Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 17 in J. P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and bounded and described as follows: Beginning at the Southeastery corner of land conveyed to George and Margaret Webber, by deed dated May 15, 1943, and recorded in Volume 5610, Page 668 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to George and Margaret Webber to its intersection with the Southeastery corner of land conveyed to the City of Cleveland, by deeds dated February 17, 1969 and March 27, 1969 and recorded in Volume 12508, Pages 475 and 477 of Cuyahoga County Records; thence Northwestery along the Northeastery line of land so conveyed to the City of Cleveland, to its intersection with the Northerly line of land conveyed to George and Margaret Webber, as aforesaid; thence Easterly along said Northerly line to the Northeastery corner of land so conveyed to George and Margaret Webber; thence Southerly along said Easterly line 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 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

from and after the earliest period allowed by law.

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 369-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2088 West 10 Street to Patricia A. Kowalski.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-09-023, as more fully described in Section 2 below, to Patricia A. Kowalski.

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. 004-09-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 122 feet of the Southerly 40 feet of Sublot No. 53 in William Slade Jr.'s Subdivision, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Westerly side of West 10th Street, and extending back of equal width 122 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

such provisions as may be necessary to protect and benefit the public interest.

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 371-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Public Utilities Commission of Ohio for the 1995-96 HAZMAT Training Grant.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$12,360.00, from the Public Utilities Commission of Ohio, to conduct the 1995-96 HAZMAT Training Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 371-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 373-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12907 Kadel Avenue to Sebastian J. Kanamthanam.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-19-064, as more fully described in Section 2 below, to Sebastian J. Kanmanthanam.

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. 019-19-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in The Clark-Manchester Co.'s Homesite Allotment No. 7 of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 67 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Southerly side of Kadel Avenue, S.W. and extends back between parallel lines about 122.45 feet deep on the Easterly line, about 122.525 feet on the Westerly line and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 535-96.
By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing the Fulton Road Bridge; authorizing the

Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into contract with Osborn Engineering Company; authorizing said director to enter into any agreements relative thereto; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of repairing the Fulton Road Bridge, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the Director of Public Service is hereby authorized and directed to enter into contract with Osborn Engineering Company for professional services necessary to make the above improvement for the Division of Engineering and Construction, Department of Public Service.

Section 4. That the Director of Public Service is hereby authorized to enter into such work agreements with adjacent property owners as are necessary to make the above public improvement.

Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the above improvement. The consideration to be paid for such property shall not exceed its appraised value.

Section 6. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of such property.

Section 7. That the Director of Public Service is hereby 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 such agreements with the County as are necessary to finance the Improvement.

Section 8. That the Director of Public Service is hereby authorized to apply to the County Board of

Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 9. That the Director of Public Service is hereby authorized to enter into such agreements with the Cleveland Metroparks System as are necessary to make the above public improvement.

Section 10. That the costs of the improvement, services, and property acquisition hereby authorized shall be paid from Fund Nos. 20 SF 322, 20 SF 312, 20 SF 302, 20 SF 190, 20 SF 181, and from the fund or sub-funds to which are credited any monies which are received for this ordinance, Request No. 21897.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 636-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of standard wire, for the various divisions of City Government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of standard wire in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the for the various divisions of City Government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21512)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 637-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one collator with attachments, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) collator with attachments, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 11009.

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 638-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental and laundry service of work clothing, for the various divisions of City Government, for a period of two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the rental and laundry service of work clothing in the approximate amount as procured in the previous term, to be procured by the Commissioner of Purchases and

Supplies upon a unit basis for the various divisions of City Government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21513)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 639-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of janitorial supplies, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of janitorial supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order

of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21508)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 640-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of lumber, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of lumber, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years. The Commissioner of Purchases and Supplies shall specify in the bid documents that the lumber purchased by the City shall not originate from any rain forest.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21514)

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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 641-96.
By Councilman Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of typewriter maintenance and repair service, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of typewriter maintenance and repair service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21511)

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 May 13, 1996.
 Effective May 22, 1996.

Ord. No. 642-96.
By Councilman Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of paint and paint materials, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of

two years for the necessary items of paint and paint materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21510)

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 May 13, 1996.
 Effective May 22, 1996.

Ord. No. 643-96.
By Councilman Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of Jacobson mower parts, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of Jacobson mower parts, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and

the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21507)

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 May 13, 1996.
 Effective May 22, 1996.

Ord. No. 644-96.
By Councilman Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of commercial gases, for the various divisions of City government, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of commercial gases, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21509)

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 May 13, 1996.
 Effective May 22, 1996.

Ord. No. 878-96.

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

An emergency ordinance to amend the title, the second and third whereas clauses, Sections 1, 2, 3, and 5 of Ordinance No. 1887-95, passed November 20, 1995; and to supplement said ordinance to add new Sections 9 and 10, relating to the sale of City-owned land no longer needed for public use to Chelm Management Company and authorizing the Director of Economic Development to provide economic development loan assistance to Chelm Management Company for the development of the property.

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

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

Section 1. That the title, the second and third whereas clauses, Sections 1, 2, 3, and 5 of Ordinance No. 1887-95, passed November 20, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located east of Rocky River Drive and south of the northerly lot line of Westport Avenue to Cleveland Business Park, Ltd.; authorizing the Commissioner of Purchases and Supplies to provide an option to sell City-owned property no longer needed for public use located east of Rocky River Drive between the northerly lot line of Westport Avenue and the northerly lot line of Brysdale Avenue to Cleveland Business Park, Ltd.; and authorizing the Director of Economic Development to provide economic development loan assistance to Cleveland Business Park, Ltd. for said development.

Whereas, the City of Cleveland has land available for the development of a business park by Cleveland Business Park, Ltd. pending City Council approval; and

Whereas, the City of Cleveland will now sell a portion of this land, as described below, to Cleveland Business Park, Ltd. for the exclusive use and development by ACTRON for constructing a new 90,000 square foot manufacturing facility, thereby retaining approximately 200 jobs in the City of Cleveland; and

Section 1. That notwithstanding and as an exception to the Provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the property described in Council File No. 1887-95-B is no longer needed for public use.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized and directed to sell the following property to Cleveland Business Park, Ltd. at a price not less than fair market value as determined by the Board of Control; the property designated "ACTRON-Phase 1" in Council File No. 1887-95-B, solely for the purpose of developing a new manufacturing facility for ACTRON Manufacturing Company, and the property designated as "Phase 2" in Council File No. 1887-95-B, for the purpose of developing it for additional compa-

nies and improving a portion of it with the public infrastructure improvements, including a roadway and utilities.

Section 3. That Cleveland Business Park, Ltd. shall have the option to acquire from the City the property designated "Phase 3" in Council File No. 1887-95-B, and that by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell said property to Cleveland Business Park, Ltd. at a price not less than fair market value as determined by the Board of Control.

Section 5. That the Director of Economic Development is hereby authorized to enter into a contract with Cleveland Business Park, Ltd., or its designee, to provide financial assistance for certain project improvements and site-development costs, including a road system, lighting and traffic signals, public sidewalks and curbs, and water and sewer lines, necessary for the development of the property described in Council File No. 1887-95-B.

Section 2. That the existing title, the second and third whereas clauses, Sections 1, 2, 3, and 5 of Ordinance No. 1887-95, passed November 20, 1995, are hereby repealed.

Section 3. That Ordinance No. 1887-95, passed November 20, 1995, is hereby supplemented by adding new Sections 9 and 10 to read, respectively, as follows:

Section 9. That the Director of Economic Development is hereby authorized to enter into such agreements and acquire such interests in property as necessary related to the State Highway lands located on the property described in Council File No. 1887-95-B, and to pay for the costs of such agreements and property interests from funds appropriated for the use of the Department of Economic Development. The proceeds received by the City from any transfer of this property shall be deposited into the fund used for its acquisition.

Section 10. That the proceeds from the sale of any property authorized by this ordinance which was acquired by the City with federal funds as part of an airport noise compatibility program shall be used solely to fund future airport noise compatibility programs.

Section 4. That existing Sections 9 and 10 of Ordinance No. 1887-95, passed November 20, 1995, are hereby renumbered, respectively, to new "Section 11" and "Section 12."

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

Passed May 13, 1996.
Effective May 16, 1996.

Ord. No. 884-96.

By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Gust Galucci Co. to stretch a banner in front of 6610 Euclid Avenue for

the period from June 15, 1996 to July 15, 1996, inclusive, publicizing a Sale to Benefit the Cleveland Public Schools.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Gust Galucci Co. to install, maintain and remove a banner in front of 6610 Euclid Avenue for the period from June 15, 1996 to July 15, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 885-96.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ward 6 Multi-Cultural Festival Committee to stretch banners on Martin Luther King Blvd. near Fairhill Road and on Martin Luther King Blvd. at the intersection of Woodland Avenue for the period from July 12, 1996 to August 12, 1996, inclusive, publicizing its Multi-Cultural Community Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Ward 6 Multi-Cultural Festival Committee to install, maintain and remove banners on Martin Luther King Blvd. near Fairhill Road and on Martin Luther King Blvd. at the intersection of Woodland Avenue for the period from July 12, 1996 to August 12, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the

owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 13, 1996.
Effective May 22, 1996.

Ord. No. 886-96.
By Councilmen Melena, Westbrook and Smith.

An emergency ordinance consenting and approving the issuance of a permit for a 15, 30 and 50 Mile Tour De Cleveland Bike Race on June 15, 1996, sponsored by the American Lung Association.

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 a 15, 30 and 50 Mile Tour De Cleveland Bike Race, sponsored by the American Lung Association, on June 15, 1996, with the 15, 30 and 50 Mile bike riders beginning at Edgewater Park to West Blvd., West Blvd. to Desmond, Desmond to Lake Road, Lake Road to Detroit, Detroit to West 74th St., West 74th St. to W. Clifton, W. Clifton to West 58th St., West 58th St. to Franklin, Franklin to West 25th St., West 25th St. to Franklin, Franklin to Columbus, Columbus to Center, Center to the top of the hill (turn right at stop sign), stay on Center to Carter, Carter "turns into Eagle" to Ontario, Ontario to Eagle "working with Gateway for access to this street", Eagle to East 6th St., East 6th St. to Huron, Huron to Prospect, Prospect to Huron, Huron to East 13th St. straight through to Chester, Chester to East 12th St., East 12th St. to Lakeside, Lakeside to East 9th St., East 9th St. to Erieside (by the Rock & Roll Hall of Fame), Erieside to West 3rd St., West 3rd St. to W. Superior, W. Superior to East 9th St., East 9th St. to Eagle, Eagle to Ontario, Ontario to Eagle which "turns into Carter", veer right across the drawbridge (still on Carter) to the stop sign, continue on Carter to Columbus, Columbus to Franklin, Franklin to West 25th St., West 25th St. to Franklin, Franklin to West 58th St., West 58th St. to W. Clifton, W. Clifton to West 74th St., West 74th St. to Detroit, Detroit to Lake, Lake to West Blvd. and continue to Edgewater Park; the 30 Mile bike riders will continue on Lake Road out of the Cleveland limits into the City of Lakewood and will return into the City of Cleveland by way of Lake Road to West 117th St., West 117th St. to Edgewater, Edgewater to Cliff, Cliff to West Blvd., turn left at Edgewater Park and finish in the Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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.

water to Cliff, Cliff to West Blvd., turn left at Edgewater Park and finish; and the 50 Mile bike riders will begin at Edgewater Park to West Blvd., West Blvd. to Desmond, Desmond to Lake Road, Lake Road to Detroit, Detroit to West 74th St., West 74th St. to W. Clifton, W. Clifton to West 58th St., West 58th St. to Franklin, Franklin to West 25th St., West 25th St. to Franklin, Franklin to Columbus, Columbus to Center, Center to the top of the hill (turn right at stop sign), stay on Center to Carter, Carter "turns into Eagle" to Ontario, Ontario to Eagle "working with Gateway for access to this street", Eagle to East 6th St., East 6th St. to Huron, Huron to Prospect, Prospect to Huron, Huron to East 13th St. straight through to Chester, Chester to East 12th St., East 12th St. to Lakeside, Lakeside to East 9th St., East 9th St. to N. Marginal, N. Marginal to East 55th St., East 55th St. to the Marina sign and continue on the bike path to Martin Luther King Dr., Martin Luther King Dr. to Lakeshore Blvd. and turn right at the "Bratenahl sign", Lakeshore Blvd. to Neff Road, Neff Road to the Neff Road Park, Neff Road Park back to Lakeshore Blvd., Lakeshore Blvd. to Martin Luther King Dr. (continue straight), Martin Luther King Dr. to N. Marginal, N. Marginal to East 55th St., East 55th St. to N. Marginal, N. Marginal becomes Erieside by the Rock & Roll Hall of Fame, Erieside to West 3rd St., West 3rd St. to W. Superior, W. Superior to East 9th St., East 9th St. to Eagle, Eagle to Ontario, Ontario to Eagle which turns into Carter, veer right across the drawbridge (still on Carter) to the stop sign, continue on Carter to Columbus, Columbus to Franklin, Franklin to West 25th St., West 25th St. to Franklin, Franklin to West 58th St., West 58th St. to W. Clifton, W. Clifton to West 74th St., West 74th St. to Detroit, Detroit to Lake, continue on Lake Road out of the Cleveland limits into the City of Lakewood and will return into the City of Cleveland by way of Lake Road to West 117th St., West 117th St. to Edgewater, Edgewater to Cliff, Cliff to West Blvd., turn left at Edgewater Park and finish in the Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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 May 13, 1996.
Effective May 22, 1996.

Ord. No. 888-96.

By Councilmen Willis and Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Inc. to stretch banners on Martin Luther King Jr. Blvd. (east of the Cleveland Museum of Natural History) and on Cedar Hill for the period from May 20, 1996 to June 10, 1996, inclusive, publicizing its Parade the Circle Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to install, maintain and remove banners on Martin Luther King Jr. Blvd. (east of the Cleveland Museum of Natural History) and on Cedar Hill for the period from May 20, 1996 to June 10, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 13, 1996.
Effective May 22, 1996.

COUNCIL COMMITTEE MEETINGS

Monday, May 20, 1996

Public Parks, Property & Recreation Committee: 9:30 A.M. — Present: Johnson, Chrm.; Rybka, V-Chrm.; Miller, Patton, Robinson, White. Excused: Paulenske.

Finance Committee: 2:00 P.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patton, Polenske, Robinson, Rybka, Smith.

Tuesday, May 21, 1996

Community and Economic Development Committee: 10:00 A.M. — Present: Jackson, Chrm.; Paulenske, V-Chrm.; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

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