

The City Record

Official Publication of the Council of the City of Cleveland



February the Ninth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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Containing	PAGE
City Council	3
The Calendar	31
Board of Control	31
Civil Service	33
Board of Zoning Appeals	33
Board of Building Standards and Building Appeals	34
Public Notice	34
Public Hearings	34
City of Cleveland Bids	34
Adopted Resolutions and Ordinances	35
Committee Meetings	42
Index	43

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury 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	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

Christopher S. Ronayne, Chief of Staff
 Darnell Brown, Chief Operating Officer
 Craig Tame, Executive Assistant
 Collette J. Appolito, Director, Office of Equal Opportunity
 Margreat A. Jackson, Legislative Affairs Liaison
 Erik Janas, Inter-Governmental Affairs Officer
 Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Teresa M. Beasley, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – John Christopher Nielson, Commissioner
 Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John C. Mok, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

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

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Short, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 9, 2005

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CITY COUNCIL

MONDAY, FEBRUARY 7, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 7, 2005

The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Johnson, Jones, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Chief Operating Officer Brown, and Directors Baker, Ciaccia, Ricchiuto, Carroll, N. Ronayne, Rush, Williams, Routen, Huth, Fumich, Appolito and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Darrell Scott of New Spirit Revival Center, 3130 Mayfield Road. Pledge of Allegiance.

MOTION

On the motion of Council Member Sweeney, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Coats.

File No. 193-05.

February 7, 2005

Christopher Warren
540 East 105th Street
Cleveland, Ohio 44108

RE: Fair Campaign Finance Commission

Dear Mr. Warren:

I am pleased to inform you that you are hereby appointed as Council's representative to the Fair Campaign Finance Commission in accordance with Section 23-3 of the Charter of the City of Cleveland and Chapter 110 of the Codified Ordinances of the City of Cleveland.

Thank you.

Very truly yours,
FRANK G. JACKSON
President of Council

Received.

COMMUNICATIONS

File No. 195-05.

From the Cleveland Public Library — Director's Report, January 20, 2004. Received.

File No. 196-05.

From the Division of Purchases and Supplies — Mayor's Emergency Requisitions/Purchase Orders — none for the month of January, 2005. Received.

File No. 197-05.

From URS Corporation — Notice of Intent and Applicant's Public Meeting ISG Cleveland, Inc., Vista Pointe Landfill Expansion, Permit-to-Install. Received.

File No. 198-05.

From Cleveland Housing Network, Inc. — copies of Plain Dealer articles. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 199-05.

Re: New Application — 1877625 — Czerny Miller Incorporated, 12102 Larchmere Boulevard, first floor and basement. (Ward 6). Received.

File No. 200-05.

Re: New Application — 9330011 — W. B. Convenience Deli LLC, d.b.a. W. B. Convenience Deli, 3210 East 49th Street. (Ward 5). Received.

File No. 201-05.

Re: Transfer of Ownership Application — 86801350025 — Suhad, Inc.,

d.b.a. Jay's Market, 3203 West 25th Street. (Ward 14). Received.

File No. 202-05.

Re: Transfer of Ownership Application — 1381967 — Chareese, Inc., d.b.a. R. D.'s Seafood & Steak House, 2871-75 East 116th Street. (Ward 4). Received.

OATH OF OFFICE

File No. 203-05.

Michael C. DeAloia — Secretary to the Director of Economic Development. Received.

File No. 204-05.

Alan Schneider — Secretary to the Director of Finance. Received.

File No. 205-05.

Anjou Parekh — Commissioner of Health Division. Received.

File No. 206-05.

Richard L. Nemeth — Commissioner of Air Quality Division. Received.

File No. 207-05.

James E. Hardy — Commissioner of Purchases and Supplies Division. Received.

File No. 208-05.

Willie L. Bess — Commissioner of Environment Division. Received.

STATEMENT OF WORK ACCEPTED

File No. 209-05.

From the Department of Public Service — Contract No. 62466 — Shirmer Construction Company, Data & Joint Operations Center (Phase 1). Received.

File No. 210-05.

From the Department of Parks, Recreation and Properties — Contract No. 58865 — F. Buddie Construction Company, Inc. — League Park Renovations (Phase 2). Received.

File No. 211-05.

From the Department of Public Safety — Contract No. 61610 — Apex Construction Company — Fire Alarm Dispatch Office Expansion Project. Received.

File No. 212-05.

From the Department of Public Utilities — Contract No. 62832 — D & M Painting Corp., Kirtland Intake Crib Painting — completed and accepted January 14, 2005. Received.

File No. 213-05.

From the Department of Public Utilities — Contract No. 59473 — Terrace Construction Corporation, Inc. — cleaning and lining 2002-Area A — completed and accepted February 10, 2003. Received.

File No. 214-05.

From the Department of Public Service — Contract No. 62552 — Environcom Construction — Salt Dome Renovations. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 215-05 — Roy Andrew Jones.

Res. No. 216-05—Areta Freeman.

Res. No. 217-05—Irene Mason.

Res. No. 218-05—Bertha Lee Masingill Ward.

CONGRATULATION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 219-05—Stanley R. Miller.

WELCOME RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 220-05—1st Sgt. Danté W. Boykin.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 167-05.

By Council Member Jackson (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$85,000,000 to refund certain of the City's outstanding general obligation bonds and authorizing matters with respect to the bonds and the refunding.

Whereas, the City seeks to obtain debt service savings from refinancing certain outstanding general obligation bonds of the City, consisting of designated maturities of bonds issued in 1994, 1996, 1997, 1998, 1999, 2000, 2002, 2003 and 2004 for the purposes described below; and

Whereas, pursuant to Ordinance Nos. 872-94, 873-94, 874-94 and 875-94, all passed on May 23, 1994, Various Purpose General Obligation Bonds, Series 1994, in the aggregate principal amount of \$41,790,000, dated as of October 1, 1994 (the "1994 Various Purpose Bonds"), were issued for the purpose of providing funds to pay costs of the following: (i) \$24,545,000 principal amount for improving the municipal street system and related facilities, including 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 said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, 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. 872-94) ("Project 1"); (ii) \$6,325,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and

recreation facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 873-94) ("Project 2"); (iii) \$1,020,000 principal amount for certain improvements related to urban renewal and residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto (Ordinance No. 874-94) ("Project 3"); and (iv) \$9,900,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City Departments, street maintenance facilities, waste collection facilities, parking facilities, West Side Market facilities, City Hall, and facilities for administrative functions related to the foregoing, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefor (Ordinance No. 875-94) ("Project 4"); and

Whereas, pursuant to Ordinance Nos. 938-96, 939-96, 940-96, 941-96 and 943-96, all passed on June 18, 1996, Various Purpose General Obligation Bonds, Series 1996, in the aggregate principal amount of \$45,140,000, dated as of July 15, 1996 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1996 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,835,000 principal amount for improving 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 (Ordinance No. 938-96) ("Project 5"); (ii) \$1,055,000 principal amount 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 (Ordinance No. 939-96) ("Project 6"); (iii) \$2,545,000 principal amount for reconstructing, rehabilitating, remodeling, renovating and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, the Municipal Courts, fire stations and police, correctional and health facilities and the provision of the necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 940-96) ("Project 7"); (iv) \$5,045,000 principal amount for improving municipal recreational 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 (Ordinance No. 941-96) ("Project 8"); and (v) \$2,010,000 principal amount for remodeling, renovating, rehabilitating, equipping and otherwise improving the Cleveland Convention Center, together with all appurtenances necessary and incidental thereto (Ordinance No. 943-96) ("Project 9"); and

Whereas, pursuant to Ordinance Nos. 920-97, 921-97, 922-97 and 925-97, all passed on June 9, 1997, Various Purpose General Obligation Bonds, Series 1997, in the aggregate principal amount of \$70,145,000, dated as of August 1, 1997 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1997 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,900,000 principal amount for improving 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, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 920-97) ("Project 10"); (ii) \$10,710,000 principal amount for constructing, reconstructing, rehabilitating, remodeling, renovating, protecting 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 Court, fire stations, service stations, waste transfer and disposal facilities, and correctional and health facilities and the provision of necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 921-97) ("Project 11"); (iii) \$2,905,000 principal amount for improving municipal park and recreation facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, park and recreation centers and other buildings, structures and facilities, and providing necessary drainage, lighting, signage, furnishings, equipment, safety modifications and site improvements, together with the payment of all preliminary associated costs and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 922-97) ("Project 12"); and (iv) \$980,000 principal amount for public improvements of municipal properties and easements in residential area neighborhoods by constructing and reconstructing sidewalks, curbs, gutters and driveway approaches, 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 (Ordinance No. 925-97) ("Project 13"); and

Whereas, pursuant to Ordinance Nos. 980-98, 981-98, 982-98, 983-98 and 984-98, each passed on July 29, 1998, Various Purpose General Obligation Bonds, Series 1998 in the aggregate principal amount of \$49,075,000, dated as of October 1, 1998 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1998 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$3,615,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 980-98) ("Project 14"); (ii) \$1,020,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods 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 (Ordinance No. 981-98) ("Project 15"); (iii) \$1,880,000 principal amount for improving municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating such facilities, buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial plots, and planting and landscaping, together with all appurtenances necessary and incidental thereto, and including the acquisition of any required real estate and interests in real estate (Ordinance No. 982-98) ("Project 16"); (vi) \$6,930,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services and permitting the performance of services utilized by the public or otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, safety stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities and other infrastructure, and site improvements for the purpose, together with all preliminary associated research, planning and development (Ordinance No. 983-98) ("Project 17"); and (v) \$10,900,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 984-98) ("Project 18").

Whereas, pursuant to Ordinance Nos. 900-99, 901-99, 902-99, 903-99 and 904-99, each passed on June 7, 1999, Various Purpose General Obligation Bonds, Series 1999, in the aggregate principal amount of \$26,330,000, dated as of August 15, 1999 (the "1999 Various Purpose Bonds"), were issued to pay costs of the following

improvements: (i) \$15,335,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 900-99) ("Project 19"); (ii) \$840,000 principal amount for acquiring, rehabilitating, installing, enlarging, renovating, equipping, and otherwise improving fire-fighting apparatus and equipment, including fire trucks and aerial ladders, together with all appurtenances necessary and incidental thereto (Ordinance No. 901-99) ("Project 20"); (iii) \$4,590,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging 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, police stations, fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and health facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 902-99) ("Project 21"); (iv) \$3,410,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 903-99) ("Project 22"); and (v) \$2,155,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods 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 neces-

sary 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 (Ordinance No. 904-99) ("Project 23"); and

Whereas, pursuant to Ordinance Nos. 897-00, 898-00, 899-00 and 900-00, each passed on June 19, 2000, Various Purpose General Obligation Bonds, Series 2000, in the aggregate principal amount of \$26,795,000, dated as of September 15, 2000 (the "2000 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,260,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging 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, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 897-00) ("Project 24"); (ii) \$5,190,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, golf courses and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 898-00) ("Project 25"); (iii) \$10,200,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 899-00) ("Project 26"); and (iv) \$2,145,000 principal amount for public improvements of streets and municipal properties and

easements in residential neighborhoods 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 (Ordinance No. 900-00) ("Project 27"); and

Whereas, pursuant to Ordinance Nos. 373-02, 374-02, 375-02 and 376-02, each passed on March 11, 2002, Various Purpose General Obligation Bonds, Series 2002, in the aggregate principal amount of \$43,600,000, dated as of November 1, 2002 (the "2002 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$5,880,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging 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, police stations, fire stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, correctional facilities, and health and other facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 373-02) ("Project 28"); (ii) \$2,535,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods 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 (Ordinance No. 374-02) ("Project 29"); (iii) \$10,875,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 375-02) ("Project 30"); and (iv) \$24,310,000 principal amount for improving the municipal street sys-

tem and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting, curbing and ramping, installing gutters, sidewalks and related pedestrian and site improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 376-02) ("Project 31"); and

Whereas, pursuant to Ordinance No. 377-02, passed on March 11, 2002, Final Judgment General Obligation Bonds, Series 2002, in the aggregate principal amount of \$6,375,000, dated as of November 1, 2002 (the "2002 Final Judgment Bonds"), were issued to pay final judgments, including settlements of claims approved by a court ("Project 32"); and

Whereas, pursuant to Ordinance Nos. 1205-03, 1206-03, passed on August 13, 2003, Ordinance No. 1708-03, passed on September 8, 2003 amending Ordinance No. 1203-03 passed on August 13, 2003 and Ordinance No. 1204-03 passed on September 8, 2003, Various Purpose General Obligation Bonds, Series 2003, in the aggregate principal amount of \$64,100,000, dated as of November 15, 2003 (the "2003 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,850,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging 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, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 1203-03 as amended by Ordinance No. 1708-03) ("Project 33"); (ii) \$29,000,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways, as designated by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including ease-

ments, necessary for such purpose and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1204-03) ("Project 34"); (iii) \$10,150,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, golf courses and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 1205-03) ("Project 35") and (iv) \$7,100,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods 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, acquiring real estate and interests in real estate, including easements necessary for such purpose, together with the payment of all associated preliminary costs and costs of site clearance (Ordinance No. 1206-03) ("Project 36"); and

Whereas, pursuant to Ordinance Nos. 1305-04 and 1307-04, passed on August 11, 2004, Various Purpose General Obligation Bonds, Series 2004, in the aggregate principal amount of \$16,760,000, dated November 10, 2004 (the "2004 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$13,735,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, 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 the payment of all associated prelimi-

nary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1305-04) ("Project 37") and (ii) \$3,025,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities (Ordinance No. 1307-04) ("Project 38"); and

Whereas, this Council finds and determines that (i) it is necessary and in the best interest of the City to refund the 1996 Various Purpose Bonds that are stated to mature on September 1 in the years 2008 through 2011, inclusive, 2016 and 2020; the 1997 Various Purpose Bonds that are stated to mature on August 1 in the years 2006 and 2007, 2009 and 2018; the 1998 Various Purpose Bonds that are stated to mature on October 1 in the years 2013 through 2015, inclusive; the 1999 Various Purpose Bonds that are stated to mature on November 15 in the years 2011 through 2016, inclusive; the 2000 Various Purpose Bonds that are stated to mature on December 1 in the years 2012 through 2017, inclusive, and 2020; the 2002 Various Purpose Bonds that are stated to mature on December 1 in the years 2014 through 2019, inclusive; the 2002 Final Judgment Bonds that are stated to mature on December 1, in the years 2013 through 2017, inclusive; and the 2003 Various Purpose Bonds that are stated to mature on August 1 in the years 2016 and 2017 (those outstanding bonds, together with any other outstanding unvoted general obligation bonds of the City designated pursuant to Section 1 to be refunded in addition to, or in substitution for, those outstanding bonds, 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 refunding of the Refunded Bonds and 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 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:

<u>Project No.</u>	<u>Year of Last Maturity</u>
1	2012
2	2018
3	2024

4	2018
5	2015
6	2016
7	2016
8	2016
9	2021
10	2014
11	2017
12	2017
13	2017
14	2018
15	2018
16	2018
17	2018
18	2015
19	2016
20	2009
21	2019
22	2019
23	2019
24	2020
25	2020
26	2017
27	2020
28	2022
29	2022
30	2022
31	2019
32	2027
33	2023
34	2020
35	2023
36	2023
37	2024
38	2024

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 and Ordinance No. 944-96 passed on June 10, 1996 (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 of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in 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 refund the Refunded Bonds which will enable the City to obtain debt service savings 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 Eighty-Five Million Dollars (\$85,000,000) for the purpose of refunding the Refunded Bonds which, collectively, were issued for the purposes of providing funds to pay costs of Projects 1 through 38 as described above, including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K).

The aggregate principal amount of Bonds to be issued shall not exceed \$85,000,000 and shall be in an amount determined by the Director of Finance to be the amount required to be issued, taking into

account any original issue discount and/or premium on the sale of the Bonds in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds. That 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 38 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 (defined in Section 13 below), that the aggregate present value debt service savings to the City resulting from the refunding of all the Refunded Bonds is not less than three per cent (3%).

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 "General Obligation Refunding Bonds, Series 2005". 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 April 1, 2005 or such other date, but in no event later than December 31, 2005, 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 or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate, then such rate shall not exceed six percent (6%) per year, and if the Bonds bear interest at more than one rate, 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 six percent (6%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on April 1 and October 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 October 1, 2005, or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment 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, based on the written advice of a Financial Advisor to be in the best interests of the City given market conditions at the time the Bonds are sold and the objectives of the plan of refunding to obtain aggregate present value savings of not less than three per cent (3%). Provided, further, 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 October 1, 2005 and no later than October 1, 2007, and (iii) the final maturity date of the Bonds shall be no later than the last maturity permitted by law for the Refunded Bonds.

The Director of Finance also shall determine and certify, 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 at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; 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 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, and (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.

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, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemp-

tion Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) 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 may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than October 1, 2016 and the highest redemption price shall not be greater than 102% of the principal amount redeemed. Based on the written advice of a Financial Advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

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. 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. There shall be deposited with the Registrar on or prior to the redemption date, funds sufficient to redeem at the redemption price, all of the redeemable Bonds for which notice of redemption has been given.

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

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company

that has issued a policy insuring some or all of the Bonds. 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, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, 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, 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 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 date provided in the Registrar Agreement authorized in Section 3 (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, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (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), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not oth-

erwise defined in this Ordinance 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 (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures 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 shall prepare the Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature.

U.S. Bank National Association 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 "Registrar Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 167-05-A. The Registrar 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 and the Director of Law 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 them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to Morgan Stanley & Co. Incorporated, McDonald 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, the written advice of either Financial Advisor and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus any 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. As appropriate under the Charter, 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 of 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 Director of Finance is further authorized and directed to sign 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 the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, 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 and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is 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 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, the Director of Finance in his official capacity is authorized to prepare or cause to be

prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of, that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in his official capacity that Official Statement and any supplements approved by the Director of Finance. The Director of Finance is authorized to sign and deliver, on behalf of the City and in his official capacity such certificates in connection with the accuracy of the Official Statement and any supplements as may, in his judgment, be necessary or appropriate. The Director of Finance is also 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"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

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 Director of Finance is 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 SEC 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.

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 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 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 those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance and those funds, together with the interest collected on them 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(B)(1) 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; Notice of Redemption of Refunded Bonds. Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below, and shall be applied to 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 or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax-Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunded Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, any redemption premium and interest on,

the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Bonds. The proceeds of the Bonds to be applied to pay costs of any credit enhancement facilities shall be paid to the provider or providers of those credit enhancement facilities. The proceeds of the Bonds to be used to pay costs of issuing the Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

The Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of the Refunded Bonds and any early redemption of Refunded Bonds shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunding Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. As appropriate under the Charter, the Mayor and Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to

be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

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 commit-

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

Section 9. 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 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 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, (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. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 13. Financial Advisor. The services of Government Capital Management, LLC and Columbia Equity Financial Corporation (each a "Financial Adviser"), are retained to advise the City with respect to the issuance and sale of the Bonds and the refunding of the Refunded Bonds.

Section 14. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 15. 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 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. 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 16. 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 to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 17. 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 18. 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 19. 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 obtain debt service savings 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. 168-05.

By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Dolby Systems, Inc. for the purchase of WordNet Series 3 digital voice recorder upgrade with appurtenances and media, including installation, training and on-site technical service, and warranty and maintenance, for the Divisions of Fire and Emergency Medical Service, 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Dolby Systems, Inc. Therefore the Director of Public Safety is authorized to make one or more written contracts with Dolby Systems, Inc. on the basis of its proposal dated July 21, 2004, for the purchase of WordNet Series 3 digital voice recorder upgrade with appurtenances and media, including installation, training, and on-site technical service, and warranty and maintenance to December 31, 2009, to be purchased by the Commissioner of Purchases and Supplies, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600303-648000, Request No. 154633.

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

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

Ord. No. 169-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Agreement No. 59769 with City Architecture for the League Park project.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an amendment to Agreement No. 59769 with City Architecture to change the scope of services for the League Park project at no additional cost to the City.

Section 2. This amendment will be prepared by the Director of Law.

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

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

Ord. No. 170-05.

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

An emergency ordinance to appropriate property for the public purpose of park and recreational use, located at 16300 Lakeshore Boulevard.

Whereas, the Council of the City of Cleveland, by Resolution No. 2018-04, adopted November 15, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of park and recreational use; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of park and recreational use, the following described fee simple interests are appropriated:

Permanent Parcel No. 113-17-011
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning at a point in the Southerly line of Lake Shore Boulevard (80 feet wide distant North 70°-28'-05" East 1366.82 feet therein from its point of intersection with the Easterly line of East 156th Street (60 feet wide);

Thence continuing North 70°-28'-05" East 698.21 feet along said Southerly line of Lake Shore Boulevard to its point of intersection with the Easterly line of said Tract No. 16;

Thence South 0°-28'-45" West 374.62 feet along said Easterly line of Tract No. 16 to a point;

Thence South 70°-28'-05" West 569.88 feet to a point;

Thence North 19°-31'-55" West 352.00 feet to the place of beginning, according to a survey by Robert H. Krause, Sr. Registered Ohio Surveyor No. 2885, July 10, 1967, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law 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 interests described above.

Section 3. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 171-05.

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

An emergency ordinance authorizing the Directors of Community Development to transfer properties at the northwest corner of Quincy Avenue and East 83rd Street, to the control, possession, and use of the Department of Parks, Recreation and Properties; and authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Fairfax Renaissance Development Corporation to allow and accept the construction of Quincy Park and landscaping improvements, as a gift to the City; to enter into a property adoption agreement with Fairfax for the beautification and maintenance of the park; and to name the park located at Quincy Avenue and East 83rd Street the "Quincy Park."

Whereas, the Department of Community Development desires to transfer certain properties under its control to the Department of Parks, Recreation and Properties; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that the transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the properties to be transferred are components of the City of Cleveland's land reutilization program and, as such, can be transferred under Section 5722.07 of the Revised Code without the consent of other legislative authorities only if: (a) the properties are transferred at not less than fair market value under the policies of the Land Reutilization Program; and (b) the properties are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization; and

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

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described properties to the control, possession, and use of the Department of Parks, Recreation and Properties:

P. P. No. 119-26-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 23 in Holden and Judson's Subdivision of part of Original One

Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of East 82nd Street at the Northwest-erly corner of said Sublot No. 23; thence Easterly along the Northerly line of said Sublot, 50 feet; thence Southerly parallel with the Easterly line of East 82nd Street 30 feet; thence Westerly parallel with the Northerly line of said Sublot, 50 feet to the Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street, 30 feet to the beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 26 in Holden and Judson's Subdivision of part of Original One Hundred Acre Township Lot No. 407, according to the plat of said Subdivision recorded in Volume 3 of Maps, Page 59 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Northerly line of Quincy Avenue, S.E., with the Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street, 100.00 feet to a point distant Southerly 60.00 feet from the North-erly corner of Sublot No. 23 in Holden and Judson's Subdivision; thence Easterly parallel with the Northerly line of said Sublot No. 23, 50.00 feet to the Easterly line of said Sublot No. 26; thence Southerly along the Easterly line of said Sublot No. 26, 100.00 feet to the Northerly line of Quincy Avenue, S.E.; thence Westerly along the Northerly line of Quincy Avenue, S.E., 50.00 feet to the beginning, according to the survey of Charles T. Root, Registered, Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 119-26-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 and part of Sublot No. 23 in Holden and Judson's Allotment of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Quincy Avenue, S.E., at the South-erly corner of Sublot No. 25; thence Easterly along the Northerly line of Quincy Avenue, S.E., 50 feet to the Southeastly corner of said Sublot No. 25; thence Northerly along the Easterly line of Sublot No. 25 and the Northerly prolongation thereof, 160 feet to its intersection with the Northerly line of said Sublot No. 23; thence Westerly along the Northerly line of Sublot No. 23, 50 feet to its intersection with the Northerly pro-longation of the Westerly line of Sublot No. 25; thence Southerly along said Northerly prolongation and the

Westerly line of Sublot No. 25, 160 feet to the place of beginning, as appears by said plat.

Also subject to all zoning ordi-nances, if any.

P. P. No. 119-26-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 and the Easterly 50 feet of Sublot No. 23 in the Holden and Judson's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3, Page 59 of Cuyahoga County Records, and together forming a parcel of land 50 feet front on the Northerly side of Quincy Avenue, S.E., (formerly Wade Street), and extending back of equal width 160 feet, as appears by said plat.

P. P. No. 119-26-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 34 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 56 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Quincy Avenue, S.E., (formerly Wade Street), at a point distant 16 8/12 feet Westerly from the South-easterly corner of said Sublot No. 34, said point being also the Southeast-erly corner of a piece of land con-veyed by Robert Hyslop and Phebe Hyslop, and recorded in Volume 324, Page 475 of Cuyahoga County Records; thence Northerly along the Easterly line of said land so con-veyed to Alfred Paull, 120 feet to the Northeastly corner of land so con-veyed to said Alfred Paull; thence Westerly and parallel with the Northerly line of Quincy Avenue, S.E., 20 feet to the Easterly line of the second parcel of land conveyed by Charles Thompson and Avarina Thompson, his wife, to Alfred Paull by deed dated March 3, 1880, and recorded in Volume 312, Page 437 of Cuyahoga County Records; thence Northerly along the Easterly line of said second parcel of land so con-veyed to Alfred Paull, about 29-1/2 feet to the Southerly line of a parcel of land conveyed by Alfred Paull and Catherine Paull, his wife, to Robert Hyslop by deed dated July 6, 1881, and recorded in Volume 324, Page 475 of Cuyahoga County Records; thence Westerly along the Southerly line of said land so con-veyed to said Robert Hyslop, 10 feet; thence Southerly and parallel with the first described line, about 149-1/2 feet to the Northerly line of Quincy Avenue, S.E.; thence Easterly along the Northerly line of Quincy Avenue, S.E., 30 feet to the place of begin-ning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 34 and 35 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuya-

hoga County Records together form-ing a parcel of land bounded and described as follows:

Beginning in the Northerly line of Quincy Avenue, S.E., at the South-erly corner of a parcel of land conveyed to Melo Ballentine by deed dated December 23, 1943, and record-ed in Volume 5655, Page 274 of Cuyahoga County Records, said place being also distant Westerly measured along the Northerly line of said Quincy Avenue, S.E., 26 feet from its intersection with the West-erly line of East 83rd Street (form-erly Lincoln Avenue); thence Westerly along the Northerly line of said Quincy Avenue, S.E., about 49.06 feet to the Southeastly cor-ner of a parcel of land conveyed to the Brightwood Investment Compa-ny by deed dated September 11, 1936 and recorded in Volume 4658, Page 340 of Cuyahoga County Records; thence Northerly along an Easterly line of said parcel so conveyed to the Brightwood Investment Compa-ny, 120 feet to a Northeastly cor-ner of said parcel; thence Westerly along a Northeastly line of said parcel so conveyed to the Bright-wood Investment Company, 20 feet to an interior corner of said parcel; thence Northerly along an Easterly line of said parcel so conveyed to the Brightwood Investment Compa-ny about 29.50 feet to the Southerly line of a parcel of land conveyed to Fred Mares and Elbina Mares by deed dated August 5, 1937 and recorded in Volume 4767, Page 474 of Cuyahoga County Records; thence Easterly along said Southerly line about 85 feet to the Westerly line of said East 83rd Street; thence Southerly along said Westerly line 19.58 feet to the Northeastly cor-ner of the parcel conveyed to Melo Ballentine as aforesaid; thence Westerly along the Northerly line of said parcel so conveyed to Melo Bal-entine, 26 feet to the Northwestly corner of said parcel; thence Southerly along the Westerly line of said parcel so conveyed to Melo Balentine, 130 feet to the place of beginning, as appears by said plat, be the same more or less, but sub-ject to all legal highways.

P. P. No. 119-26-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 35 in Clewell and Worley Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Northerly line of Quincy Avenue, S.E., (formerly Wade Street) with the Westerly line of East 83rd Street (formerly Lincoln Street); thence Westerly along the Northerly line of Quincy Avenue, S.E., 26 feet; thence Northerly and parallel with the Westerly line of East 83rd Street 130 feet; thence Easterly and parallel with the Northerly line of Quincy Avenue, S.E., 26 feet to the West-erly line of East 83rd Street; thence Southerly along the Westerly line of East 83rd Street 130 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordi-nances, if any.

P. P. No. 119-26-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 33, 34 and 35 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of East 83rd Street (formerly Lincoln Avenue) distant 25 feet Southerly from the Northeastly corner of Sublot No. 35; thence Southerly along said Westerly line of said East 83rd Street, 25 feet; thence Westerly parallel with the Northerly line of Sublot Nos. 35, 34 and 33 to the Westerly line of Sublot No. 33 at the Northwesterly corner of parcel of land conveyed to Isador Moneter by deed dated June 9, 1924, and recorded in Volume 3111, Page 161 of Cuyahoga County Records, thence Northerly along said Westerly line of Sublot No. 33, 25 feet; thence Easterly parallel with the Northerly line of Sublot Nos. 33, 34 and 35 to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 21 and all of Sublot No. 22 in Holden and Judson's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records and together forming a parcel of land 70 feet on the Easterly side of East 82nd Street (formerly Edward Avenue) and extending back of equal width 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 23 and 26 in Holden and Judson's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 59 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Easterly line of East 82nd Street (formerly Edwards Avenue) at a point distant Southerly 30 feet from the Northwesterly corner of said Sublot No. 23; thence Easterly parallel with the Northerly line of said Sublot, 50 feet; thence Southerly parallel with the Easterly line of East 82nd Street, 30 feet; thence Westerly parallel with the Northerly line of said Sublot No. 23, 50 feet to the Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street, 30 feet to the beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

P. P. No. 119-26-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 33 and the Southwesterly part of Sublot No.

34 in Clewell and Worley's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records and together forming a parcel of land 70 feet front on the Northerly side of Quincy Avenue, S.E., 150 feet deep on the Westerly line, about 149 feet 6 inches deep on the Easterly line and 70 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

Section 3. That, as a condition of the transfer, the Department of Parks, Recreation and Properties shall pay the Department of Community Development a price not less than fair market value as determined by the Board of Control, considering the restrictions and covenants deemed necessary by the Director of Community Development to assure the property's effective reutilization.

Section 4. That on transfer of the property referenced above, the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Fairfax Renaissance Development Corporation to allow it to construct a park and to make landscaping improvements, and to accept the improvements.

Section 5. That, on transfer of the property referenced above and notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Fairfax Renaissance Development Corporation for the landscaping and maintenance of Quincy Park, to be located at the northwest corner of Quincy Avenue and East 83rd Street, more fully described in Section 1 of this ordinance.

Section 6. That the property adoption agreement shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 7. That the Director of Parks, Recreation and Properties is authorized to accept the gift of any improvements to the adopted property, constructed, landscaped, and maintained by the Fairfax Renaissance Development Corporation.

Section 8. That the agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 9. That the park to be situated on northwest corner of Quincy Avenue and East 83rd Street, more fully described in Section 1 of this ordinance, is named the "Quincy Park."

Section 10. That the Director of Parks, Recreation and Properties is authorized to give effect to this ordinance by the placing of appro-

appropriate signs, nameplates and plaques, and other references necessary to reflect the naming of Quincy Park.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 172-05.

By Mayor Campbell (by departmental request).

An emergency ordinance authorizing the provision of certain economic development incentives for the purpose of creating jobs and improving the economic welfare of the people of the City as authorized in Art. VIII, Section 13 of the Ohio Constitution; and authorizing the Directors of Economic Development and Finance to implement the CBD Job Creation Incentive Grant Program under this ordinance; and authorizing the Directors of Economic Development and Finance to enter into economic development agreements to facilitate the provisions of this ordinance.

Whereas, under Section 325.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-97 passed on August 13, 1997, this Council designated an area which is in the City of Cleveland and described as the Central Business District (the "CBD"); and

Whereas, the City intends to enter into economic development agreements in which the City will annually make, subject to annual appropriation, incentive payments to deserving employers in the CBD for the purpose of inducing various employers to locate and expand their workforce within the City, create employment opportunities, and improve the economic welfare in Cleveland's citizens, all as authorized in Article VIII, Section 13 of the Ohio Constitution; and

Whereas, within the CBD, the Directors of Finance and Economic Development are authorized to further induce commitment from various deserving employers by providing them with annual incentive payments, subject to annual appropriation, and based on a calculation of annual total payroll tax withholdings as specified in individual economic development agreements between the City and a specific employer; and

Whereas, this incentive that the City of Cleveland is offering to businesses in the CBD shall be termed the CBD Job Creation Incentive Grant Program; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enact-

ment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote economic development in the City of Cleveland, and the assistance is immediately necessary; now, therefore,

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

Section 1. That this Council finds and determines that entering into economic development agreements with employers inside the CBD, as CBD is defined in Section 325.12 of the Cleveland Codified Ordinances, for the purpose of providing annual incentive payments to deserving businesses, is in furtherance of the City's efforts to induce various employers to locate and expand their workforce within the City, create employment opportunities, and improve the economic welfare of Cleveland's citizens, all as authorized in Article VIII, Section 13 of the Ohio Constitution.

Section 2. That the Directors of Finance and Economic Development are authorized to create the CBD Job Creation Incentive Grant Program and to approve and enter into economic development agreements with New Employers in the CBD and Existing Employers in the CBD. New Employers are those employers not currently located within the City that move to the CBD after the effective date of this ordinance, and whose relocation to the CBD adds at least 25 New Employees to the CBD ("New Employers"). Existing Employers are those employers that have been located in the CBD for 2 or more years prior to the effective date of this ordinance and that add at least 10 New Employees within the CBD after the effective date of this ordinance ("Existing Employer"). For purposes of this ordinance, New Employers and Existing Employers shall be collectively known as the "Employers".

Section 3. That based on the specific terms of each economic development agreement, the City may annually provide, subject to annual appropriation, incentive payments to the Employers in the CBD based on a certain percentage of the additional municipal income taxes the City receives from New Employees within the CBD. New Employees are employees who fulfill both (1) and (2) as follows:

(1) either (a) permanent employees that the Existing Employer hires after the effective date of this Section; or (b) permanent employees that the New Employer brings to the CBD;

and

(2) employees who work at least 30 hours per week, and who are paid not less than the Fair Employment Wage as defined in Section 189.02 of the Codified Ordinances ("New Employees").

The amount of the Incentive Payment from the City to any Employers shall be based on a percentage, not to exceed 50%, of the income taxes paid to the City by New Employees in any year that the economic development agreement is in effect ("Incentive Payment"). Employers must be located within the CBD at least three months during the calendar year in which it receives an Incentive Payment.

Employers may enter into only one economic development agreement with the City under the CBD Job Creation Incentive Grant Program.

The term of any economic development agreement shall not exceed the term of the Employer's lease and in no event shall exceed five years.

Section 4. That the Incentive Payments shall be drawn from non-tax revenues and paid to the Employers no later than March 31 of each year following the effective date of the applicable economic development agreement based upon municipal income tax paid by New Employees during the prior calendar year. All Incentive Payments made under a development agreement shall be subject to annual appropriation. The total Incentive Payments made under the CBD Job Creation Incentive Grant Program shall not exceed \$5,000,000.

Section 5. That the Mayor, the Director of Finance, the Director of Economic Development, the Director of Law, and any other City officials, as appropriate, are each authorized to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this ordinance.

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

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training, Finance.

Ord. No. 173-05.

By Council Member Zone.

An emergency ordinance designating Watterson-Lake Elementary School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Watterson-Lake Elementary School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 13, 2005 to discuss the proposed designation of Watterson-Lake Elementary School as a landmark; and

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

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

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

Section 1. That Watterson-Lake Elementary School whose street address in the City of Cleveland is 1422 W. 74th Street, N. W., also known as Cuyahoga County Auditor's Permanent Parcel Numbers: 002-18-009, 002-18-036, 002-18-035, 002-18-079, 002-18-034, 002-18-033, 002-18-032, 002-18-017, 002-18-016, 002-18-015, 002-18-014, 002-18-013, and 002-18-012, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 174-05.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cuyahoga County Department of Employment and Family Services for the Building Success for Cleveland's Kinship Care Families Program; authorizing the Director to enter into one or more contracts with various entities to implement the program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$186,954, and any other funds that may become available during the grant term from the Cuyahoga County Department of Employment and Family Services to conduct the Building Success for Cleveland's Kinship Care Families Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 174-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Aging is authorized to enter into one or more contracts with the Fairhill Center and Corporate Choice Staffing Services, Inc., to implement the program as described in the file.

Section 4. That the Director of Aging is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant.

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

Section 5. That the cost of contract or contracts authorized shall be paid from the fund or funds that the grant proceeds are credited.

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

Referred to Directors of Aging, Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 175-05.

By Council Member Lewis.

An emergency ordinance designating Willson Middle School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Willson Middle School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 13, 2005 to discuss the proposed designation of Willson Middle School as a landmark; and

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

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

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

Section 1. That Willson Middle School whose street address in the City of Cleveland is 1625 East 55th Street, N. E., also known as Cuyahoga County Auditor's Permanent Parcel Numbers 104-16-014 and 104-16-013, and the land embracing the site thereof, which in its entirety is

a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 176-05.

By Mayor Campbell (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 413.12 relating to the use of automated cameras to impose civil penalties upon red light and speeding violators; and authorizing the Director of Public Safety to enter into one or more contracts with a consultant or consultants to install and maintain automated cameras.

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 supplemented by enacting new Section 413.12 to read as follows:

Section 413.12 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) **Civil enforcement system established.** The City of Cleveland adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (m). This civil enforcement system imposes monetary liability on the owner of a vehicle for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) **Red light offense - liability imposed.** The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) **Speeding offense - liability imposed.** The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) **Liability does not constitute a conviction.** The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the

operating record of any person on whom the liability is imposed.

(e) **Other offenses and penalties not abrogated.** Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) **Notices of liability.** Any ticket for an automated red light or speeding system violation under this section, known as a "Notice of Liability", shall:

(1) Be processed by officials or agents of the City of Cleveland;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(g) **Penalties.** Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by Section 4507.021 of the Revised Code ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(h) **Appeals.** A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the "Notice of Liability." The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the Notice of Liability and will be considered an admission. Appeals shall be heard through an administrative process established by the Clerk of the Cleveland Municipal Court. A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Revised Code.

(i) **Evidence of ownership.** It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(j) **Program oversight.** The Director of Public Safety shall oversee the program authorized by this Section. The selection of the locations of automated cameras shall be made by the Director of Public Safety, in consultation with the Director of Public Service, the Traffic Commissioner, and the Traffic Engineer. The Director of Public Safety shall also oversee the installation and maintenance of all automated cameras. An encroachment permit shall not be required for the placement of cameras.

(k) **Rules and Regulations.** The Director of Public Safety may issue rules and regulations to carry out the provisions of this sections, which shall be effective thirty (30) days after publication in the City Record.

(1) **Establishment of Penalty.** The penalty imposed for a violation of division (b) or (c) of this section shall be established by the Board of Control and shall be effective ten (10) days after publication in the City Record.

(m) **Definitions.** As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "System location" is the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(3) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with a consultant or consultants to install and maintain automated cameras to photograph red light and speeding violators, to send notices, and assist the Director in the implementation of this program. The Board of Control shall select the consultant or consultants and fix the compensation for services from a list of qualified vendors identified through canvass.

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

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

Ord. No. 177-05.

By Council Members White, Reed, Jackson, Cintron and Brady.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland Housing Network, LPXXII or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-078 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 135-04-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat of said allotment in Volume 12 of Maps, Page 38 and 39 of Cuyahoga County Records and bounded and described as follows:

Beginning upon the Southerly line of Orleans Avenue, S.E. and 38 feet East of the Northwest corner of said Sublot No. 18; thence Southerly and parallel with the Easterly line of said Sublot No. 18, 135 feet to the Southerly line of said Sublot No. 18; thence Easterly on the Southerly line of Sublot No. 18, 38 feet; thence Northerly and parallel with the first described line 135 feet to the Southerly line of Orleans Avenue, S.E.; thence Westerly on the Southerly line of Orleans Avenue, 38 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-079 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 135-04-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 38 feet of Sublot No. 18 in the Carter Heir's Allotment of part of Original One Hundred Acre Lot Nos. 449 and 450 as shown by the recorded plat in Volume 23 of Maps, Page 8 of Cuyahoga County Records and being 38 feet front on the Southerly side of Orleans Avenue, S.E. and extending back of equal width 135 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-081 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 137-01-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 214 in the Union Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452 as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 117th Street and extending back between parallel lines 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-076 as more fully described, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 137-01-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 151 in The Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 452 and 444, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 117th Street and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-07-069 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 137-07-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being further known as being Sublot No. 125 in the Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, said Sublot No. 125 has a frontage of 35 feet on the Westerly side of East 118th Street and extends back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 137-07-070 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 137-07-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Union Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page 24 of Cuyahoga County Records. Said Sublot No. 126 has frontage of 40 feet on the Westerly side of East 118th Street, and extends back 125 feet on the Southerly line 125 feet on the Northerly line which is also the Southerly line of Benham Avenue, S.E., and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-26-067 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-26-067

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

Beginning on the Easterly line of East 76th Street (formerly Brooker Street), at the Southwesterly corner of said Sublot No. 38; thence Northerly, along the Easterly line of East 76th Street, 35 feet to a point distant 15 feet Southerly, measured along the Easterly line of East 76th Street, from the Northwesterly corner of said Sublot No. 38; thence Easterly and parallel with the Northerly line of said Sublot No. 38, 87 feet; thence Southerly, and parallel with the Easterly line of East 76th Street, 35 feet to the Southerly line of said Sublot; thence Westerly along the Southerly line of said Sublot, 87 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways, and subject to the conditions, restrictions, and right of way set forth in the deed recorded in Volume 7208, Page 135 of Cuyahoga County Records and subject to building restrictions, conditions or limitations of record.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-26-095 as more fully described below, to Cleve-

land Housing Network, LPXXII or designee.

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

P. P. No. 118-26-095

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

Beginning on the Easterly line of East 76th Street (formerly Brooker Street) at the Northwesterly corner of said Sublot No. 38; thence Southerly along the Easterly line of East 76th Street, 15 feet; thence Easterly and parallel with the Northerly line of said Sublot, 87 feet; thence Southerly and parallel with the Easterly line of East 76th Street 35 feet to the Southerly line of said Sublot; thence Easterly along the Southerly line of said Sublot, about 80 feet to the Southeastery corner thereof; thence Northerly along the Easterly line of said Sublot, 50 feet to the Northeastery corner thereof; thence Westerly along the Northerly line of said Sublot about 167 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-059 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-34-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Philip Bieger's Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 74th Street and extending back of equal width 119.33 feet deep, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-075 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-34-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30-1/2 feet of Sublot No. 6

and the Northerly 4-1/2 feet of Sublot No. 7 in Fenton, Robinson and Rose's Re-Subdivision of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records. Said parts of Sublots Nos. 6 and 7 together form a parcel of land having a frontage of 35 feet on the Westerly side of East 76th Street (formerly Brooker Avenue), and extending back between parallel lines about 167 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-077 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-34-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Fenton, Robinson and Roses' Subdivision of a part of Original East Cleveland Township Lot No. 336 now in said City. Said Sublot No. 8 has a frontage of 40 feet on the West side of Brooker Avenue (now East 76th Street) an extends back of equal width 167 feet 3-1/2 inches deep on the North line and 167 feet 2-1/2 inches deep in the South line according to the recorded plat of said Subdivision recorded in Volume 4 of Maps, Page 45 of Cuyahoga County Records, be the same more less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-090 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-34-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Fenton, Robinson and Rose's Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 76th Street and extending back between parallel lines 166.00 feet deep on the Northerly line, 165.89 feet deep on the Southerly line and 40 feet wide in the rear be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-110 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 118-34-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 6 in the Silas Strange Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 76th Street (formerly Brooker Street) at the Northwesterly corner of Sublot No. 6; thence Southerly along the Easterly line of East 76th Street, 35 feet to the Southwesterly corner of said Sublot No. 6; thence Easterly along the Southerly line of Sublot No. 6, 94 feet; thence Northerly and parallel with the Easterly line of East 76th Street, 35 feet to the Northerly line of Sublot No. 6; thence Westerly along the Northerly line of said Sublot No. 6, 94 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-19-084 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 123-19-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Thomas S. and Mary L. Douse Allotment of a part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Douse Avenue, S.E. and extending back between parallel lines 119.10 feet deep on the Northeasterly line, 118.60 feet deep on the Southwesterly line, be the same more or less, but subject to all legal highways.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-22-101 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 123-22-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northeasterly 32 feet 6 inches of Sublot No. 0 in Hubbard Hollister's Allotment of part of Original One Hundred Acre Lot No. 324, as shown by the recorded plat in Volume 4 of Maps, Page 25 of Cuyahoga County Records, and being 32 feet 6 inches front on the Southeasterly side of Pershing Avenue, S.E., (formerly

East Clark Avenue) and extending back of equal width 132 feet as appears by said plat.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-07-086 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 004-07-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being 22 and 1/2 feet front and rear off the Northerly side of Sublot Nos. 29 in H.H. Little's Subdivision of part of Original Brooklyn Township Lot Nos. 68 and 71, as shown by the recorded plat in Volume 5 of Maps, Page 50 of Cuyahoga County Records, and being 22.5 feet front on the Easterly side of West 18th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-07-087 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 004-07-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in H.H. Little's Subdivision of part of Original Brooklyn Township Lots. Nos. 68, and 71, as shown by the recorded plat in Volume 5 of Maps, Page 50 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 18th Street, and extending back 90 feet 10-1/2 inches on the Northerly line, 94 feet 4-3/4 inches on the Southerly line and having a rear line of 30 feet 2-1/2 inches, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-20-033 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 004-20-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 34 feet from front to rear of Sublot No. 173 and the Westerly 16 feet from front to rear of Sublot No. 175 in John G. Jennings Allotment on University Heights, so called,

part of Original Brooklyn Township Lots Nos. 71 and 87, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southerly side of Auburn Avenue, S.W., and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-16-141 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

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

P. P. No. 019-16-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 105 in the Domal Land Company's Subdivision of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 25, Page 20 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Leeila Avenue, S.W., and extending back of equal width 111.96 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 39. 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 40. 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 41. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 42. 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, Finance.

Ord. No. 178-05.**By Council Member Jackson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to Burten, Bell, Carr Development, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-23-010 and 118-23-011, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-23-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 67 in James H. and Harriet Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 68th Street, extending back 127 feet, 1 inch on the Northerly line, 127 feet 2 inches on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-23-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in James and Harriet Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 68th Street, and extending back 127 feet, 2 inches on the Northerly line, 127 feet 3 inches on the Southerly line, and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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

time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

Ord. No. 179-05.**By Council Member Jackson.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue and East 37th, 38th and 39th Streets to Burten, Bell, Carr Development, Inc. or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-014 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 2. That the real property to be sold pursuant to Section 1 of

this Ordinance is more fully described as follows:

P. P. No. 103-22-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 125 feet of the Easterly 10 feet of Sublot No. 40 and the Westerly 25 feet of Sublot No. 41 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Cedar Avenue, S.E., at a point distant Easterly measured along said Southerly line 25 feet from the Northwesterly corner of said Sublot No. 41; thence Westerly along the Southerly line of said Cedar Avenue, S.E., 35 feet; thence Southerly parallel with the Easterly line of said Sublot No. 40, 125 feet; thence Easterly parallel with the Southerly line of said Cedar Avenue, S.E., 10 feet to the Westerly line of said Sublot No. 41; thence Southerly along said Westerly line, 25 feet to the Southwesterly corner of said Sublot No. 41; thence Easterly along the Southerly line of said Sublot No. 41, 25 feet; thence; Northerly parallel with the Westerly line of said Sublot No. 41, 150 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-016 as more fully described below to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 25 feet of Sublot No. 42 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Southeasterly side of Cedar Avenue, S.E. and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-090 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one half of Sublot No. 5 and the Southerly 5 feet from front to rear of Sublot No. 6 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and together forming a parcel of land 25 feet front on the Easterly side of Wheat Street (now known as East 37th Street) and extending back of equal width 73 feet and 5 inches deep, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-131 as more fully described, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 16 and 17 of the William W. Williams Subdivision of a part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point along the Westerly line of East 38th Street (formerly William Street) at the Southeastly corner of said Sublot No. 17; thence Westerly along the Southerly line of said Sublot No. 17, 150.5 feet to the Southwestly corner of said Sublot No. 17; thence Northerly along the Westerly line of said Sublot No. 17 about 63.5 feet, to the Southerly line of land conveyed to Anna Quagliata by deed dated December 30, 1941, and recorded in Volume 5418, Page 404 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Anna Quagliata, 12 feet to the Southeastly corner of land so conveyed to said Quagliata thence Northerly along the Easterly line of land so conveyed to said Quagliata about 15.75 feet to the Southerly line of land conveyed to Joe Artino, by deed dated June 14, 1924, as recorded in Volume 2888, Page 425 of Cuyahoga County Records; thence Easterly along the Southerly line of lands so conveyed to Joe Artino, about 138.5 feet to the Westerly line of East 38th Street; thence Southerly along the Westerly line of East 38th Street about 78.75 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-138 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of Sublot No. 31 in William and William's Subdivision of part of Original Ten Acre Lot Nos. 67 to 70 inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 38th Street and extending back 151.58 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-139 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly half of Sublot No. 32 in the William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said part of said Sublot No. 32 has a frontage of 25 feet on the Easterly side of East 38th Street (formerly Williams Street) and extending back between parallel lines 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-140 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly half of Sublot No. 32 in William W. Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 38th Street an extending back between parallel lines 151 feet 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 103-22-148 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-148

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 37 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning the Easterly line of East 38th Street at a point distant Southerly measured along said Easterly line, 8.50 feet from the Northwesterly corner of said Sublot No. 37; thence Southerly along the Easterly line of East 38th Street, 30.50 feet; thence Easterly at right angles to the Easterly line of said East 38th Street, 151.58 feet to the Easterly line of said Sublot No. 37; thence Northerly along said Easterly line 30.50 feet; thence Westerly 151.58 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-150 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-150

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25.50 feet of Sublot No. 38 in William Williams' Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25.50 feet front on the Easterly side of East 38th Street, and extending back between parallel lines 151.38 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-155 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-155

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

erly 25 feet of Sublot No. 42 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Cedar Avenue and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-164 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-164

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 19 feet of the Westerly 84 feet of Sublot No. 30 and the Southerly 10 feet of the Westerly 84 feet of Sublot No. 31 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 29 feet front on the Easterly side of East 38th Street (formerly Williams Street) and extending back of equal width 84 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 24. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 25. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 26. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force

from and after the earliest period allowed by law.

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

Ord. No. 180-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 97th Street to Archie L. Bell III.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-09-102, 119-09-103 and 119-09-104, as more fully described below, to Archie L. Bell III.

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

P. P. No. 119-09-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in B.C. Walter's Subdivision of part of Original One Hundred Acre Lot Nos. 393 and 401 as shown by the recorded plat in Volume 4 of Maps, Page 42 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Lamont Avenue, N.E. (formerly Lamont Street) at a point 130 feet Westerly from the Northwesterly corner of said Sublot No. 4; thence Southerly along the Westerly line of land deeded to Mattie G. Street by deed dated March 28, 1898, and recorded in Volume 684, Page 281 of Cuyahoga County Records, 49 feet to the Southerly line of Sublot No. 4; thence Westerly along the Southerly line of Sublot No. 4, 50 feet; thence Northerly and parallel to Mattie G. Street's West line, 49 feet to the Southerly line of Lamont Avenue, N.E.; thence Easterly along the Southerly line of said Lamont Avenue, N.E., 50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 119-09-103

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Easterly 130 feet of Sublot No. 4 in B.C. Walters Subdivision of part of Original One Hundred Acre Lot Nos. 393 and 401, as shown by the recorded plat in Volume 4 of Maps, Page 42 of Cuyahoga County Records and being 49 feet front on the Westerly side of East 97th Street and extending back 130 feet on the Southerly line of Lamont Avenue and having a rear line of 49 feet, be the same more or less, but subject to all legal highways.

P. P. No. 119-09-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in B.C. Walters Subdivision of part of Original One Hundred Acre Lots Nos. 393 and 401, as shown by the recorded plat in Volume 4 of Maps, Page 42 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 97th Street (formerly Logan Avenue) at the Northeasterly corner of said Sublot No. 3; thence Westerly along the Northerly line of said Sublot No. 3, 177 feet; thence Southerly on a line parallel to the Westerly line of East 97th Street, 20 feet; thence Westerly on a line parallel to the Northerly line of said Sublot No. 3, 3-1/2 feet; thence Southerly on a line parallel to said Westerly line of East 97th Street, 30 feet to the Southerly line of Sublot No. 3; thence Easterly along said Southerly line of Sublot No. 3, 180-5/10 feet to said Westerly line of East 97th Street; thence Northerly 50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 181-05.

**By Council Member Pierce Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Cleveland Housing Network, Inc. or designee.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-018 as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in the Glenville Realty Company Re-Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 44 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, N.E., at the N.E. corner of said Block "A"; thence Southwesterly along the Southerly line of St. Clair Avenue N.E., 62.66 feet to the Northeasterly corner of land conveyed to Solomon Kohner by deed dated May 20, 1915 and recorded in Volume 1655, Page 184 of Cuyahoga County Records; thence Southerly along the Easterly line so conveyed to Solomon Kohner to the Southerly line of Block "A"; thence Easterly along the Southerly line of said Block "A", 48.45 feet to the Southeasterly corner of said Block "A"; thence Northerly along the Easterly line of said Block "A"; 101.85 feet to the place of beginning.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-019 as more fully described below to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being past of Block A in the Glenville Realty Company's Re-Subdivision of part of Mrs. Charles P. Born's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 44 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, N.E., at a point 62.66 feet Westerly, measured along said Southerly line from the Northeasterly corner of said Block A; thence Westerly along said Southerly line of St. Clair Avenue, N.E., 45 feet to the Northwesterly corner of said Block A; thence Southerly along the Westerly line of said Block A, 93.47 feet to the Southwesterly corner of said Block A; thence Easterly along the Southerly line of said Block A, 34.78 feet; thence Northerly to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-020 as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 29 and parts of Sublot Nos. 28 and 30 in Mrs. Charles P. Born's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat thereof recorded in Volume 23 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of St. Clair Avenue, N.W., at the Northwest corner of said Sublot No. 29; thence Southerly along the Westerly line of said Sublot No. 29 and said line extended Southerly 103 feet; thence Northeasterly along a line drawn parallel to the Southerly line of said St. Clair Avenue, N.E., 45 feet; thence Northerly in a straight line about 104 feet to the Southerly line of said St. Clair Avenue, N.E., at a point 6-18/100 feet Northeasterly from the Northeasterly corner of said Sublot No. 29; thence Southwesterly along said Southerly line of St. Clair Avenue, N.E., 50 feet to the place of beginning, as appears

by said plat, be the same more or less, but subject to all legal highways. Together with a strip of land 10 feet wide as right of way, only for ingress to and egress from said above described premises in common with said Grantor and only such other owners of property abutting on said strip as said Grantor has granted or may hereafter grant the use thereof to for similar right of way purposes only and which said strip of land is more particularly described as follows:

Beginning at a point in the Westerly line of East 102nd Street, at the Northeast corner of Sublot No. 23 in said Allotment; thence South along the West line of said East 102nd Street, 10 feet to a point; thence Westerly parallel with the North line of said Sublot No. 23 and 10 feet distant therefrom, 70-98/100 feet to the East line of Sublot No. 25; thence Southwesterly along a straight line parallel with the Southerly line of St. Clair Avenue, N.E., to the Southeast corner of the premises first hereinabove described; thence Northerly along the East line of said first above described premises, 10 feet; thence Northeasterly along a line drawn parallel with the Southerly line of St. Clair Avenue, N.E., and 10 feet distant from the Southerly line of the strip herein described to the point of intersection of this line with the North line of said Sublot No. 23 extended Westerly; thence East along said North line of said Sublot No. 23 as extended Westerly along said North line of said Sublot No. 23 to the West line of East 102nd Street, at the Northeast corner of said Sublot No. 23, to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-024 as more fully described, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 and part of Sublot No. 116 in E.J. Weil's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records:

Beginning, at a point in the Southeasterly line of St. Clair Avenue, (80 feet wide) at its intersection with the Northwesterly corner of said Sublot No. 117; thence Northeasterly along said Southeasterly line of St. Clair Avenue, 80.72 feet to the Northeasterly corner of said Sublot No. 116; thence Southeasterly in a direct line about 200.17 feet, intersecting the Southerly line of said Sublot No. 116 at a point 10.00 feet Southwesterly, measured along said Southerly line from the Southeasterly corner thereof; thence Southwesterly along said Southerly line of said Sublot Nos. 116 and 117, 70.00 feet to a point

at the Southwesterly corner of said Sublot No. 117; thence Northwesterly, along the Southwesterly line of said Sublot No. 117, 189.41 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-067 as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 118 in E.J. Weil's Subdivision of part of Original One Hundred Acre Lot No. 369 as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southeasterly line of St. Clair Avenue N.E. (formerly St. Clair Street), 80 feet wide, at the most Northerly corner of said Sublot No. 118; thence Southwesterly along said Southeasterly line of St. Clair Avenue N.E., 45.41 feet to its intersection with the Northeasterly line of East 100th Street (formerly Ludwig Street, 50 feet wide); thence Southeasterly along said Northeasterly line of East 100th Street, 134.36 feet; thence Northeasterly along a line parallel with the Southeasterly line of said Sublot No. 118, 45 feet to the Northeasterly line of said Sublot No. 118; thence Northerly 140.41 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-068 as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 108-23-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and beginning at the Southeasterly corner of Sublot No. 116; thence Westerly along the Southerly line of Sublot No. 116, 10 feet; thence Northerly to the Northeasterly corner of Sublot No. 116; thence Southerly along the Easterly line of said Sublot No. 116, 200.17 feet to the Southeasterly corner of said Sublot and the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. 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 14. 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 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. 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, Finance.

Ord. No. 182-05.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Clark Avenue to Stockyard Development Organization or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 006-30-009 and 006-30-010, as more fully described below, to Stockyard Development Organization or designee.

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

P. P. No. 006-30-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 185 in J.M.Hoyt and Son's Allotment of part of Original Brooklyn Township Lot No. 34 as shown by the recorded plat in Volume 5 of Maps, Page 55 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Clark Avenue, S.W. and extending back of equal width 132 feet along the Easterly line of West 68th Street (formerly Lenox Street) to the Northerly line of Seine Court S.W., a 10 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 006-30-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 186 in James M. Hoyt and Sons Allotment of a part of Original Brooklyn Township Lot No. 34 as shown by the recorded plat in Volume 5 of Maps, Page 55 of Cuyahoga County Records and being 32 feet front on the Southerly side of Clark Avenue, S.W., and extending back of equal width 132 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

**FIRST READING EMERGENCY
ORDINANCES READ IN FULL
AND PASSED**

Ord. No. 183-05.

By Council Member Sweeney.

An emergency ordinance authorizing the Director of Economic Development to consent to the assignment of Enterprise Zone Contract No. 51883 from Eagle Engineering & Manufacturing, Inc. to Enerco Realty, LLC; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.

Whereas, under Ordinance No. 1752-96, passed December 2, 1996, this Council authorized the Director of Economic Development to enter into an Enterprise Zone Agreement No. 51883 with the Eagle Engineering & Manufacturing, Inc. ("Eagle") to expand its facilities to 4540 West 160th Street; and

Whereas, Enerco Realty, LLC ("Enerco") acquired the property from Eagle in 2002 and intends to assume the obligations of Enterprise Zone Contract No. 51883 ("Contract"); and

Whereas, Enerco has requested that the City assign the balance of the Contract to Enerco; and

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

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

Section 1. That the Director of Economic Development is authorized to assign the obligations of Contract to Enerco.

Section 2. That the Director of Economic Development is authorized to enter into an amendment to the assigned Contract ("Amendment"), to reduce the level of real property tax abatement granted under the original agreement from 70% to 35%.

Section 3. That the Director of Economic Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to the assignment and amendments authorized by this legislation. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

Section 4. That the Amendment shall be prepared by the Director of Law.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 184-05.

By Council Member White.

An emergency ordinance that the Director of Parks, Recreation and Properties is hereby authorized to

purchase various equipment and to enter into a maintenance service agreement for such equipment for the Miles Recreation Center for the public purpose of providing recreational programs and activities to Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to purchase various equipment for the Miles Recreation Center and to enter into a maintenance service agreement for such equipment, in accordance with the Charter and the Codified Ordinances of the City of Cleveland for the public purpose of providing recreational programs and activities to Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$35,000 and shall be paid from Fund No. 10 SF 166.

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

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 185-05.

By Council Member Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Diabetes Association of Greater Cleveland to stretch a banner at Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue for the period from March 11, 2005 to April 11, 2005, inclusive, announcing the 20th Annual Verizon Wireless Swim for Diabetes.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Diabetes Association of Greater Cleveland to install, maintain and remove a banner at

Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue, for the period from March 11, 2005 to April 11, 2005, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 192-05.

By Council Members Dolan and Westbrook.

An emergency ordinance excusing Ghassan Ali from the requirement of Section 74 of the Charter.

Whereas, Section 74 of the Charter of the City of Cleveland requires employees of the City of Cleveland to be a bona fide resident of the City of Cleveland during employment with the City; and

Whereas, Section 74 of the Charter grants the Council the authority, by a majority vote of the Council, to excuse an employee from this requirement; and

Whereas, Ghassan Ali, an engineer employed in the Division of Water, has requested that he be excused from the requirement of Section 74 of the Charter (a copy of his request dated November 18, 2004 is incorporated into this ordinance and is included in File No. 192-05-A); and

Whereas, Mr. Ali's request is unique in that he is the father of a young child diagnosed with moderate to severe autism; and

Whereas, the intervention program recommended for Mr. Ali's son by a pediatric psychologist is not provided by the Cleveland Public School System; and

Whereas, fees to attend the recommended intervention program exceed \$60,000 per year; and

Whereas, another school system within Cuyahoga County provides the recommended intervention program to students within that school system; and

Whereas, the Administration, in a memorandum dated January 28, 2005, indicated that they believe Mr. Ali's request "meets the spirit and intent of the waiver provision and supports Mr. Ali's request for a res-

idency waiver" (a copy of the memorandum is incorporated into this ordinance and is included in File No. 192-05-A; and

Whereas, this Council is supportive of Mr. Ali's efforts to obtain access to an intervention program that will enable his disabled child to move ahead and reach his full potential; 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 the authority of Section 74 of the Charter of the City of Cleveland, this Council hereby excuses the following employee, Ghassan Ali, from the requirement that he be a bona fide resident of the City of Cleveland during his employment by 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.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members: Jackson, Brady Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Johnson, Jones, O'Malley, Pierce Scott, Reed, Rybka, Sweeney, Westbrook, White, Zone.

Those voting nay: Council Member Polensek.

Ord. No. 194-05.

By Council Member Reed.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Mt. Haven Missionary Baptist Church to encroach into the public right-of-way of Martin Luther King Jr. Drive and Union Ave. with 6 banners to be attached to utility poles (by separate permission), for the period from May 1, 2005 to October 31, 2005, publicizing the church's anniversary.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council to Mt. Haven Missionary Baptist Church, 3484 Martin Luther King Jr. Drive, Cleveland, Ohio 44104, its successors and assigns ("Permittee"), to encroach into the public right-of-way of Martin Luther King Jr. Drive and Union Ave., by installing, using, and maintaining 6 banners to be attached to utility poles (by separate permission), for the period from May 1, 2005 to October 31, 2005, inclusive, at the locations more fully described as follows:

Martin Luther King Jr. Drive and Union Ave.

<u>Address</u>	<u>Pole No.</u>	<u>Pole Owner</u>
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	513768	First Energy
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	SE-62-52a-6	CPP
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	SE-62-52a-7	CPP
3484 M.L.K. Blvd. N.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	45611	First Energy
11010 Union Ave. S.W. CORNER OF UNION AVE. AND M.L.K. BLVD.	NO TAG	First Energy
11010 Union Ave. S.W. CORNER OF UNION AVE AND M.L.K. BLVD.	513769	First Energy

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use or to attach or affix any object to poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That Permittee shall install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall include such additional provisions as he determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, the City has been properly indemnified against any loss which may result from the encroachments permitted.

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

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Council Member Conwell entered the meeting.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 186-05.

By Council Members Conwell and Reed.

An emergency resolution urging the Ohio legislature to reintroduce and pass a mental health parity bill.

Whereas, Ohio is one of 16 states that have yet to pass some form of parity law requiring private insurance to cover mental illnesses at the same level as other illnesses; and

Whereas, health insurance plans discriminate against millions of Americans with mental disorders by providing only limited coverage for mental health problems; and

Whereas, a mental health parity bill would prohibit discrimination in the coverage provided for the diagnosis, care and treatment of biologically based mental illnesses in sickness and accident insurance policies and in private and public employer self-insurance plans; and

Whereas, a 2001 analysis concluded that full parity of health insurance premiums would result in an average increase of only 1% to 1.5 %; and

Whereas, such minimal insurance increases would be offset by increased productivity of workers, overall reduction of medical costs, reduction in crime and homelessness, and a subsequent increase in the number of contributing taxpayers with private insurance; and

Whereas, this Council supports the efforts of the Mental Health Advocacy Coalition and the Legislative Advocacy Committee for People with Disabilities which are lobbying the Ohio legislature to reintroduce a mental health insurance parity bill; and

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

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

Section 1. That this Council hereby urges the Ohio legislature to reintroduce and pass a mental health parity bill.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Bob Taft and those members of the State of Ohio Legislature representing residents of the City of Cleveland.

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 adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 187-05.

By Council Members Gordon, Coats and Pierce Scott.

An emergency resolution strongly opposing the plan of President George W. Bush to reduce Community Development Block Grant funding.

Whereas, Community Development Block Grant ("CDBG") funds provide multipurpose development grants to state and local governments; and

Whereas, CDBG funds are used in a variety of ways from job creation and retention to housing rehabilitation as long as seventy percent (70%) of the funds received are used to benefit low income and moderate income persons; and

Whereas, discussions between the White House Office of Management and Budget and the Department of Housing and Urban Development suggest that CDBG funding could be cut by as much as fifty percent (50%); and

Whereas, reduction of CDBG funding will have a devastating effect on the City of Cleveland and other cities; and

Whereas, in these challenging economic times, it is important to continue programs that benefit low and moderate income persons and communities; and

Whereas, in these challenging economic times, it is also important to provide adequate funding of programs that increase economic development opportunities; and

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

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

Section 1. That this Council strongly opposes the plan of President George W. Bush to reduce Community Development Block Grant funding.

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, the Board Members of the National League of Cities, the Board Members of the National Black Caucus of Local Elected Officials (NBC-LEO), and the Director of the Ohio Municipal League.

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 adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 188-05.

By Council Member Brady.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11022 Bellaire Avenue and repealing Resolution No. 1320-04, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 11022 Bellaire Avenue by Resolution No. 1320-04 adopted by the Council on July 14, 2004; 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 a C1 and C2 Liquor Permit to KKMT Beverage & Deli, DBA Uncle Sam's Beverage and Deli, 11022 Bellaire Avenue, Cleveland, Ohio 44111, Permanent Number 4418200 be and the same is hereby withdrawn and Resolution No. 1320-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 189-05.

By Council Member Britt.

An emergency resolution objecting to a New C2 Liquor Permit at 12102 Larchmere Boulevard, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 1877625; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard Cleveland, Ohio 44120, Permanent Number 1877625; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 190-05.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 8716 Cedar Avenue, and repealing Resolution No. 1545-04, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 8716 Cedar Avenue by Resolution No. 1545-04 adopted by the Council on August 11, 2004; 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 a C1 and C2 Liquor Permit to Willa G., Inc., DBA Gene's Corner Beverage, 8716 Cedar Avenue, Cleveland, Ohio 44106, Permanent Number 96191910005 be and the same is hereby withdrawn and Resolution No. 1545-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 191-05.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 12916 Forest Avenue, 1st floor and basement and repealing Resolution No. 1333-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 12916 Forest Avenue, 1st floor and basement by Resolution No. 1333-04 adopted by the Council on July 14, 2004; 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 a C2 and C2X Liquor Permit to T & J Beverage, DBA T & J Beverage Store, 12916 Forest Avenue, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 87731650005 be and the same is hereby withdrawn and Resolution No. 1333-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 2415-04.

By Council Members Coats and Cimperman.

An ordinance to amend Ordinance No. 1689-2000 establishing the Aberdeen Homes Planned Unit Development Overlay District (PUD) to exclude a parcel of land known as Phase 2 Parcel.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning; when amended as follows:

1. Insert new Section 2 to read as follows:

"Section 2. That the Planned Unit Development Overlay District for the area known as Aberdeen Homes established by Ordinance No. 1689-2000, as amended by this ordinance, is described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, known as being a part of Lot No. 51 of Tract 10 and being further bounded and described as follows:

Beginning at the iron pin monument found on the centerline of Quilliams Road, being at the southeast corner of Original Lot 51 of Tract 10;

Thence North 89 degrees, 57 minutes, 30 seconds West a distance of 30.00 feet to the northwest terminus of said Quilliams Road, said point being at the northwest corner of the TRI-ROAD DEV COMPANY MONTICELLO SUBDIVISION as shown by the plat recorded in Volume 142, Page 29 of PLATS and being also referenced by a 1/2-inch diameter iron pin found 0.20 feet south and 0.15 feet east);

Thence north 0 degrees 11 minutes 50 seconds west 48.33 feet to a 5/8-inch iron pin set;

Thence along the arc of a curve deflecting to the left 114.41 feet to a 5/8-inch iron pin set. Said curve having a radius 80.66 feet and a cord of 105.06 feet bearing north 53 degrees, 9 minutes, 31 seconds, west; Thence south 86 degrees, 12 minutes, 23 seconds west 121.03 feet to a 5/8-inch pin set.

Thence along the arch of a curve deflecting to the right 162.01 feet to a 5/8-inch iron pin set. Said curve having a radius of 192.50 feet and a cord of 157.27 feet bearing north 69 degrees, 41 minutes, 1 second west;

Thence south 44 degrees, 25 minutes, 35 seconds, west 192.97 feet to a 5/8 inch iron pin set in the easterly line of a parcel of land conveyed to Godfrey & M. Pettus by deed recorded in Volume 85-7125, Page 0012 of the OFFICIAL RECORDS;

Thence along the east line of said Pettus land and the east line of land now in the name of Bertha P. Dixon by deed as recorded in Volume 94-0348, Page 0031 of the OFFICIAL RECORDS and the east line of land now in the name of E.W. & G.S. Burrows by deed recorded in Volume 85-2063, Page 0021 of the OFFICIAL RECORDS and the east line of land now in the name of Peter N. & K.P. Kirsanow by deed recorded in Volume 15614, Page 0723, North 26 degrees, 58 minutes, 20 seconds West a distance of 639.80 feet to an 5/8-

inch diameter iron pin set at the southwest corner of the BELVOIR VILLAGE SUBDIVISION NO. 3 as shown by the plat recorded in Volume 165, Page 15 of PLATS;

Thence along the south line of said subdivision the following courses and distances:

Thence North 52 degrees, 34 minutes, 20 seconds East a distance of 20.24 feet to an iron pin set;

Thence North 16 degrees, 23 minutes, 35 seconds West a distance of 21.43 feet to an iron pin set;

Thence North 50 degrees, 04 minutes, 45 seconds East a distance of 123.36 feet to a 5/8-inch diameter iron pin found;

Thence South 86 degrees 35 minutes, 40 seconds East a distance of 74.83 feet to a 5/8-inch diameter iron pin found;

Thence South 71 degrees, 15 minutes, 50 seconds East a distance of 177.22 feet to a 5/8-inch diameter iron pin found;

Thence North 31 degrees, 16 minutes, 20 Seconds West, a distance of 99.00 feet to an iron pin set;

Thence North 16 degrees, 53 minutes, 10 seconds East a distance of 46.20 feet to a point in the center of 9 MILE CREEK;

Thence North 69 degree, 13 minutes, 50 seconds East a distance of 241.53 feet to a point in the center of 9 MILE CREEK;

Thence North 83 degrees, 31 minutes, 10 seconds East a distance of 79.20 feet to a point in the center of 9 MILE CREEK;

Thence South 58 degrees, 411 minutes, 50 seconds East a distance of 75.00 feet to a point in the center of 9 MILE CREEK;

Thence South 49 degrees, 32 minutes, 30 seconds East a distance 122.50 feet to an iron pin set at the west line of block "H" as shown by the plat of GREEN BELVOIR HOUSING CORPORATION NO. 3 as recorded in Volume 141, Page 12 of PLATS;

Thence South 00 degrees, 11 minutes, 50 seconds East along said block and the west line of SELTZER ROUND COMPANY MONTICELLO SUBDIVISION as shown by the plat recorded in Volume 109, Page 30 of PLATS, passing through iron pins found at 289.59 feet and 464.99 feet, a distance of 772.04 feet to the principal point of beginning and containing therein 11.0663 acres of land."

2. In existing Section 2, line 1, after "Section 1" add "and Section 2".

3. Renumber existing Sections 2 and 3 to new "Section 3" and "Section 4".

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. 45-05.

By Council Member Cimperman. An ordinance establishing the Playhouse Square Community Entertainment District (CED) (Map Change No. 2129, Sheet No. 5).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

LAID ON THE TABLE

Ord. No. 1187-04.

By Council Member Cimperman. An ordinance establishing the Playhouse Square Community Entertainment District (CED) (Map Change No. 2129, Sheet No. 5).

Ord. No. 2198-04.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 646.01 to 646.09 and 646.99 relating to the remittance of utility bill payments by unauthorized agents; and to repeal Section 129.19, as enacted by Ordinance No. 1501-74, passed November 18, 1974, relating to payment of bills for City utilities.

Without objection, Ordinance No. 1187-04 and Ordinance No. 2198-04, were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance Nos. 1187-04 and 2198-04 Laid on the table.

MOTION

By Council Member Sweeney, seconded by Council Member Coats and unanimously carried that the absence of Council Member Fannie M. Lewis, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:27 p.m. to meet on Monday, February 14, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 2, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 2,

2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Absent: Director Rush.

Others: Jim Hardy, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 49-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dougherty Lumber Company, Inc., for an estimated quantity of lumber, all items, for the various divisions of City government, for the period of one (1) year beginning from the date of execution of a contract, received on January 12, 2005, under the authority of Ordinance No. 2008-04 passed November 8, 2004, which on the basis of the estimated quantity would amount to Five Hundred Fifty Nine Thousand Six Hundred Eighty-Nine and 45/100 Dollars (\$559,689.45) (1% 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 150044

which shall be certified against such contract in the sum of Twenty Eight Thousand and 00/100 Dollars (\$28,000.00).

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 50-05.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 24, 2004, for the estimated quantity of miscellaneous test equipment, repair and testing, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 247-04, passed by the Council of the City of Cleveland on May 3, 2004, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 51-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Shelly Company, for asphalt concrete and tack coat, including labor and materials necessary for delivery, spreading and compacting those materials to repair runways and roadways, all items, for the various divisions of the Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on the 17th of December, 2004, under the authority of Ordinance No. 1477-04, passed on October 18, 2004, which on the basis of the estimated quantity would amount to Three Hundred Thirty-Four Thousand One Hundred and 00/100 Dollars (\$334,100.00), is affirmed and approved as the lowest and best bidder, and the Director of Port Control is requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 155754

which shall be certified against such contract in the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00).

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

Be it further resolved by the Board of Control that the following subcontractors to The Shelly Company are approved:

<u>Subcontractors</u>	<u>Amount</u>
<u>MBE/FBE%</u>	
Friedel Trucking, Inc.	
5.02 % FBE	\$16,750.00
Cook Paving & Construction	
15.03 % MBE	\$50,200.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 52-05.

By Director Ricchiuto.

Whereas, Resolution No. 738-04, adopted by this Board on December 29, 2004, pursuant to the authority of Ordinance No. 837-02, passed by the Council of the City of Cleveland June 10, 2002, authorized the Director of Parks, Recreation and Properties to enter into a contract with R.W. Clark Company, Inc., for public improvement of the photo lab relocation to the convention center; and

Whereas, said Resolution No. 738-04 states the incorrect director and department; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 738-04, adopted December 29, 2004, is

amended by replacing the words "Director of Parks, Recreation and Properties" with "Director of Public Service" in the first line in the seventh paragraph.

Be it further resolved, that all other provisions of said Resolution No. 738-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 53-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of Ford truck parts and labor (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service, for two years beginning with the later of the date of execution of a contract or February 24, 2005, received on December 8, 2004, under the authority of Ordinance No. 1981-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Two Hundred Thousand and no/100 Dollars (\$200,000.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154036

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

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

<u>Subcontractor</u>	<u>Percentage</u>	<u>Amount</u>
Mighty Mo's Industrial Supplies, Inc. (FBE)	5%	\$10,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 54-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc., for the public improvement of the concrete pavement repair/replacement at Fire Station No. 4, 9, 10 and 31, base bid, for the Department of Public Service, received on September

17, 2004, pursuant to the authority of Ordinance No. 838-02, passed June 10, 2002, for a gross price for the improvement in the aggregate amount of Two Hundred Seventeen Thousand Four Hundred Seventy and no/100 Dollars (\$217,470.00), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Perk Company, Inc., is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE</u>	<u>Percentage</u>
McTech Corporation	
MBE	\$32,620.50
	15%
Cuyahoga Supply & Tool, Inc.	
FBE	\$2,174.70
	.01%

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 55-05.

By Director Ronayne.

Whereas, pursuant to the authority of Ordinance No. 2328-04, passed December 13, 2004, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use, described therein and located in a portion of Rockefeller Park at the northeast corner of East 101st Street and Superior Avenue, and further known as a portion of Permanent Parcel Number 107-01-001 to Glenville Development Corporation; and

Whereas, said Ordinance No. 2328-04 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2328-04, passed by the Council of the City of Cleveland on December 13, 2004, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property no longer needed for public use, described therein and located in a portion of Rockefeller Park at the northeast corner of East 101st Street and Superior Avenue, and further known as a portion of Permanent Parcel Number 107-01-001 to Glenville Development Corporation. The consideration to be paid for said property is hereby fixed at Twenty-Two Thousand Dollars (\$22,000.00), which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said proper-

ty which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 56-05.

By Director Fumich.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2124-04, passed by the Council of the City of Cleveland on November 22, 2004, Cleveland State University is hereby selected upon nomination of the Director of Aging, from a list of qualified consultants, determined after a full and complete canvass by the Director, as the consultant to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of Aging to provide professional services necessary to implement the Successful Aging Elder Friendly Communities Pilot Project.

Be it further resolved that the Director of Aging is requested to enter into a written contract with Cleveland State University, which contract shall be prepared by the Director of Law, shall provide for furnishing the professional services described above, for a fee not exceeding \$36,500, and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 57-05.

By Director Baker.

Whereas, under the authority of Ordinance No. 1847-04, passed by the Council of the City of Cleveland on December 13, 2004, the Director of Finance is authorized to enter into one or more leases and/or operating agreements with the Cleveland Municipal Court for the use of space at 205 St. Clair Avenue that the City does not currently need, for a term determined by the Board of Control and at a rate determined by the Board to be fair market value; and

Whereas, the Cleveland Municipal Court desires to occupy, and the City is willing to have the Court occupy certain space in the City's 205 St. Clair Building that the City does not currently need; and

Whereas, the Cleveland Municipal Court and the City have determined that the beneficial occupancy of the unused space at 205 St. Clair Avenue by the Court may require the City and the Court to make improvements to the space; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Operating Agreement between the City, through the Director of Finance, and the Cleveland Municipal

Court authorized by Ordinance No. 1847-04, passed by the Council of the City of Cleveland on December 13, 2004, shall have a term of one year, automatically renewing annually unless sooner terminated by one of the parties, at a rate consisting of \$500,000 and, starting in 2008, an annual amount of \$43,000 for utilities costs. The Director of Law shall prepare the Agreement authorized and shall include additional terms and conditions that the Director of Law considers necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Routen, Huth, Acting Director Odom, Directors Taylor and Williams.

Nays: None.

Absent: Director Rush.

Resolution No. 58-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of MAC Mechanical Corporation, for the public improvement of the sprinkler work at the former Aviation High School base bid, for the Department of Public Service, received on January 28, 2005, pursuant to the authority of Ordinance No. 2066-04, passed October 25, 2004, for a gross price for the improvement in the aggregate amount of Forty Thousand Six Hundred and no/100 Dollars (\$40,600.00), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for said improvement with said bidder.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 22, 2005

9:30 A.M.

Calendar No. 05-8: Appeal of Midwest Telecom Payphones, 7901 Cedar Avenue (Ward 6)

Mark Higgins, president of Midwest Telecom Payphones, appeals under Section 76-6 of the Charter of the City of Cleveland, from an order dated December 27, 2004 issued by the Commissioner of Assessments and Licenses under the authority of Section 670B.06 of the Cleveland Codified Ordinances for the removal of two outdoor payphones located at 7901 Cedar Avenue, declared to be a nuisance by the Director of Public Safety.

Calendar No. 05-14: Appeal of Nick Simone, 1958-60 East 120th Street (Ward 6)

Nick Simone, property owner, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a decision of the Landmarks Commission on June 24, 2004 to Disapprove an Application for a Certificate of Appropriateness for the installation of vinyl siding on the existing dwelling house.

Calendar No. 05-16: 15235 Lorain Avenue (Ward 21)

Raymond Herzberger, owner, and Ganley Chevrolet c/o Craig Sotera, agent, appeal to construct an auto sales and parking lot on a 50' x 177' lot in a General Retail Business District on the south side of Lorain Avenue at 15235 Lorain Avenue; the proposed construction being subject to the limitations of Sections 343.11(b)(2)(I)(4), that require all vehicles and advertising matter to be behind the 15' setback line on Lorain Avenue and that a barrier at least 1 1/2' high must be erected at the setback line; and Section 352.11 requires that a 4' wide frontage landscape strip be installed along Lorain Avenue; and the parking or display of motor vehicles is not a permitted encroachment into the established 15' setback line on Lorain Avenue under Section 357.13 of the Codified Ordinances.

Calendar No. 05-19: 2630-32 St. Clair Avenue (Ward 13)

Oswgi Limited Partnership, owner, and WDOK Radio c/o Ray Ulrich, lessee, appeal to install 69' of 6' high ornamental fence along the frontage located at 2630-2632 St. Clair Avenue in a Semi-Industry District, where the fence height may not exceed 4' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 05-20: 2644-54 St. Clair Avenue (Ward 13)

Oswgi Limited Partnership, owner, and WDOK Radio c/o Ray Ulrich, lessee, appeal to install 49' of 6' high ornamental fence along the frontage at 2644-2654 St. Clair Avenue in a Semi-Industry District, where the fence height may not exceed 4' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 05-21: 11843 St. John Avenue (Ward 19)

Sabur Brown, owner, appeals to erect a 5' x 20' one-story addition to an existing private frame garage, situated on a 70' x 105' lot in an A1 One-Family District on the south side of St. John Avenue at 11843 St. John Avenue; contrary to Section 357.09(b)(1), an interior side yard of 5' is provided and no building shall be erected less than 10' from a main building on an adjoining lot; and the aggregate width of side yards provided is 2.9' where no main building shall have less than a 10' width, as stated in Section 357.09(2)(B) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 7, 2005

At the meeting of the Board of Zoning Appeals on Monday, February 7, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-3: 11021 Edgewater Drive

Craig Brown appealed to erect a 7' x 15' wooden trellis and construct a circular driveway and apron in the frontage of a one family dwelling in an AA1 One-Family District.

Calendar No. 05-4: 6850 Brookpark Road

Denny's Restaurant appealed to install an additional freestanding, 44 s/f double face illuminated identification sign in split zoning for General Retail Business and Semi-Industry Districts; with conditions.

Calendar No. 05-5: 3183 West 41st Street

The Catholic Diocese of Cleveland and St. Procop Catholic Church appealed to install as 4' x 7' illuminated, freestanding church bulletin sign in a Multi-Family District.

Calendar No. 05-7: 1428 East 110th Street

Beth-El A.M.E. Zion Church appealed to install a 5' wide freestanding illuminated reader board sign in the front of the existing church in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-6: 4072 East 108th Street

Cleveland Housing Network, owner, and Elizabeth Lee, tenant, appealed to expand a dwelling house by including a Type A day care in the premises in a Two-Family District.

The following appeal was **Postponed:**

Calendar No. 04-317: 14114-18 Miles Road postponed to March 14, 2005.

In Executive Session on February 7, 2005, the following appeals heard by the Board on January 31, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 04-300: 3666 West 139th

Street
Judith Muldoon appealed to install 105 l/f of 6' high wooden fence on a 1 1/2' retaining wall at the north side of a one family dwelling in a B1 Two-Family District.

Calendar No. 04-335: 3855 East 147th Street

Cleveland Housing Network appealed to erect a 26' x 14' frame room addition to the rear of a single family dwelling in an A1 One-Family District.

Calendar No. 05-1: 18101 Lorain Avenue

Fairview Hospital appealed to erect an addition to an existing surgery center building in a Local Retail Business District.

Calendar No. 04-325: 525 Literary Road

Sutton Builders appealed to erect a three-story frame, two family dwelling and garage in a Multi-Family District.

Calendar No. 04-326: 619 Literary Road

Sutton Builders appealed to erect a three-story frame, two family dwelling and garage in a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

fore, 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."

FRIDAY, FEBRUARY 18, 2005

Rehabilitation of Euclid Avenue, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 2333-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 10, 2005 AT 10:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 2, 2005 and February 9, 2005

WEDNESDAY, FEBRUARY 23, 2005

Cab/Chassis with USV Body (Medium & Large), for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, FEBRUARY 14, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Asphalt Roller and Trailer, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 15, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Mobile Plasma Cutter, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, FEBRUARY 15, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 2, 2005 and February 9, 2005

THURSDAY, MARCH 3, 2005

Street Lighting Lamps, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY** PRE-BID MEETING WEDNESDAY, FEBRUARY 16, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

February 2, 2005 and February 9, 2005

FRIDAY, FEBRUARY 25, 2005

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2231-04, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 17, 2005 AT 11:00 A.M., DIVISION OF POLICE, JUSTICE CENTER, 3RD FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44113.

Back-Up Voice Recording System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 533-04, passed by the Council of the City of Cleveland, July 14, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 17, 2005 AT 11:00 A.M., BUREAU OF COMMUNICATIONS, 4TH FLOOR (USE BACK DOOR), 2001 PAYNE AVENUE, CLEVELAND, OHIO 44114.

Repair of Various Air Tools and Testing (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1740-01, passed by the Council of the City of Cleveland, December 3, 2001.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 18, 2005 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 9, 2005 and February 16, 2005

WEDNESDAY, MARCH 2, 2005

Purchase of Auto and Truck Batteries, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 772-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, FEBRUARY 22, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

February 9, 2005 and February 16, 2005

THURSDAY, MARCH 10, 2005

Crossarms, for the Division of Cleveland Public Power, Department of

Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY** PRE-BID MEETING WEDNESDAY, FEBRUARY 23, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 9, 2005 and February 16, 2005

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 2065-04.**

By Council Member Cintron (by departmental request).

An emergency resolution declaring the intention to vacate a portion of Brevier Avenue S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Brevier Avenue S.W., as 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of Brevier Avenue, S.W. (60 & 66 feet wide) extending Northwesterly from the Northwesterly line of Train Avenue, S.W. (60 feet wide) (formerly Walton Avenue, S.W.) to the Southeasterly line of the Conrail right of way.

Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted January 31, 2005.

Effective February 2, 2005.

Res. No. 2127-04.

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

An emergency resolution declaring the intention to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus, as 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the first un-named alley (14 feet wide) Westerly of Pearl Road on the Northerly side of Krather Road and extending Northerly from the Northerly line of Krather Road (40 feet wide) to the Northerly line of the Henry Krather Allotment of part of Original Brooklyn Township Lot Nos. 57 and 64 as shown by the recorded map in Volume 25, Page 17 of Cuyahoga County Records.

Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted January 31, 2005.

Effective February 2, 2005.

Res. No. 2238-04.

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

An emergency resolution authorizing the Mayor to sign a Dedication Plat for the Relocation of Old Grayton Road.

Whereas, the City of Cleveland owns the land for the Relocation of Old Grayton Road; and

Whereas, it is required that a plat be signed by the Mayor, on behalf of the City of Cleveland, dedicating the land for public use; 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 the Mayor is authorized, on behalf of the City of Cleveland, to sign and execute a plat dedicating the Relocation of Old Grayton Road to public use, as shown on the plat prepared by the Division of Engineering and Construction of the City of Cleveland, bearing Council File No. 412-03.

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

Adopted January 31, 2005.

Effective February 2, 2005.

Res. No. 2239-04.

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

An emergency resolution declaring the intention to vacate a portion of Old Grayton Road, S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Old Grayton Road, S.W., as 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 this Council declares its intention to vacate a portion of the following described real property:

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

Beginning in the Northerly line of Brookpark Road, S.W. (100 feet wide) at its intersection with the Northwesterly line of Old Grayton Road, S.W. (60 feet wide);

thence North 37° 43' 44" East along said Northwesterly line, 916.13 feet to a point in the Southeasterly line of Relocated Old Grayton Road, S.W. (60 feet wide) as shown by the recorded plat in Volume _____ of Maps, Page _____ of Cuyahoga County Records; Thence along said Southeasterly line, being the arc of a curve deflecting to the left, an arc distance of 123.28 feet. Said curve having a radius of 410.00 feet, a central angle of 17° 13' 42", and a chord bearing North 45° 31' 06" East, 122.82 feet to a point in the Southwesterly line of a parcel of land conveyed to the State of Ohio by deed dated December 27, 1968 and recorded in Volume 12384, Page 917 of Cuyahoga County Records;

thence South 67° 22' 57" East along said Southwesterly line, 12.68 feet to its intersection with the Southeasterly line of Old Grayton Road, S.W.;

thence South 22° 37' 02" West along said Southeasterly line, 119.34 feet to an angle point therein;

thence South 37° 43' 44" West along said Southeasterly line, 807.39 feet to a point of curvature therein;

thence along the arc of a curve deflecting to the left, an arc distance of 78.18 feet. Said curve having a radius of 35.00 feet, a central angle of 127° 57' 44", and a chord bearing South 26° 15' 10" East, 62.91 feet to a point of tangency on the Northerly line of Brookpark Road, S.W.;

thence South 89° 45' 56" West along said Northerly line, 147.80 feet to the place of beginning.

Legal Description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

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

Adopted January 31, 2005.
Effective February 2, 2005.

Res. No. 2371-04.

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

An emergency resolution declaring the intention to vacate a portion of Pease Court N.W.

Whereas, this Council is satisfied that there is good cause to vacate a

portion of Pease Court N.W., as 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 this Council declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 29 and all that portion of Pease Court (12 feet wide) extending Westerly from the Westerly Right of Way of West 79th Street (29 feet wide) to the Northerly prolongation of the East line of Sub Lot No. 58 in the Chas. Pease Subdivision as shown in Volume 20 Page 12 of the Cuyahoga County Map Records.

Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted January 31, 2005.
Effective February 2, 2005.

Res. No. 135-05.

By Council Member Britt.
An emergency resolution withdrawing objections to the renewal of a D1, D2 and D6 Liquor Permit at 8301 Cedar Avenue and repealing Resolution Nos. 1284-03 and 1543-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2 and D6 Liquor Permit to 8301 Cedar Avenue by Resolution No. 1284-03 adopted July 16, 2003 and Resolution No. 1543-04 adopted by the Council on August 11, 2004; and

Whereas, this Council wishes to withdraw its objections 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 objections to a D1, D2 and D6 Liquor Permit to 2758 East 79th Street Café, Inc., DBA Bee Hive Café, 8301 Cedar Avenue, Cleveland, Ohio 44106, Permanent Number 91232720002 be and the same is hereby withdrawn and Resolution Nos. 1284-03 and 1543-04, containing such objections, 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 January 31, 2005.
Effective February 2, 2005.

Res. No. 136-05.

By Council Member Pierce Scott.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7502 St. Clair Avenue and repealing Resolution No. 2262-04, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 7502 St. Clair Avenue by Resolution No. 2262-04 adopted by the Council on November 22, 2004; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to a New C1 Liquor Permit to Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097, be and the same is hereby withdrawn and Resolution No. 2262-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted January 31, 2005.
Effective February 2, 2005.

Res. No. 137-05.

By Council Members White, Lewis, Reed, Conwell, Polensek, Britt, Zone, Brady and Westbrook.

An emergency resolution opposing the privatization of Social Security and the establishment of personal social security accounts.

Whereas, Social Security provides a critical foundation of income for retired and disabled workers; and

Whereas, for approximately one-third of Americans over the age of sixty-five, Social Security benefits constitute ninety percent (90%) of their total income; and

Whereas, Social Security has been effective in reducing poverty among the elderly, protecting relatives of deceased workers and the disabled, and providing a reliable source income; and

Whereas, President Bush is proposing the establishment of personal social security accounts; and

Whereas, recent analyses show that the establishment of personal social security accounts while continuing to provide Social Security benefits to current beneficiaries would require a combination of federal borrowing, tax increases, and benefit cuts amounting to between two trillion dollars and three trillion dollars; and

Whereas, the nonpartisan Congressional Budget Office reported "to raise the rate of return for future generations by moving to a funded system, some generations must receive rates of return even lower than they would have gotten under the pay-as-you-go system"; and

Whereas, the establishment of personal social security accounts

require that young Americans pay for Social Security benefits of older Americans and pay for the transition to private accounts at the same time; and

Whereas, the establishment of personal social security accounts also creates new risks for young Americans who would confront the ups and downs of the stock market, future inflation, and administrative costs; and

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

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

Section 1. That this Council opposes the privatization of Social Security and the establishment of personal social security accounts.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, and Congressman Steven LaTourette.

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 January 31, 2005.
Effective February 2, 2005.

Ord. No. 2055-04.

By Council Members Westbrook, White, and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.88 relating to the Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and Cleveland Hopkins International Airport.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 571.88 to read as follows:

Section 571.88 Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and Cleveland Hopkins International Airport

(a) Airport Management may rent meeting room space at the Airports to private Persons provided that such Persons pay the fees authorized in division (c) of this section and that the space is required for no greater than seventy-two (72) consecutive hours, and has an estimated rental cost of no greater than Twenty-Five Thousand Dollars (\$25,000).

(b) Airport Management may permit the following public parties to use meeting room space at the Airports at no cost provided that the meeting room space will not be used

to raise money for political campaigns or political issues;

(1) Branches, departments or offices of the City of Cleveland if the use furthers the functions or goals of that branch, department, or office.

(2) Non-profit organizations and neighborhood organizations located in the City of Cleveland, including block clubs, street clubs, and ward clubs, if the use is to provide social services, including direct health and welfare services to individuals, or to address safety, building, or housing issues.

(3) Schools located in the City of Cleveland if the use furthers an educational or recreational purpose.

(c) Airport Management shall assess and collect fees for the rental of meeting room space at the Airports according to a Rental Fee Schedule, which Rental Fee Schedule shall be set by the Board of Control.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2056-04.

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

An emergency ordinance authorizing the City of Cleveland to participate in a multi-community application allowing the City of Brook Park to apply for funding for the widening of West 150th Street between Brook Park Road and Industrial Parkway.

Whereas, the City's participation in a multi-community application for State Issue II funding is necessary in order to implement the improvement of widening West 150th Street between Brook Park Road and Industrial Parkway; and

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

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

Section 1. That this Council declares that the City wishes to participate in a multi-community application with the City of Brook Park necessary to acquire State Issue II funding for the widening of West 150th Street between Brook Park Road and Industrial Parkway (the "Improvement").

Section 2. That the City wishes to contribute the amount of Four Hundred Eighty-Nine Thousand Three Hundred Fifty Dollars (\$489,350) to represent the City's portion of funding necessary to acquire State Issue II funding for the above mentioned Improvement, payable from the fund or funds to which are credited the funds authorized for this purpose, and subject to annual appropriations.

Section 3. That the Director of Public Service is authorized to enter into any agreements or agreements with the City of Brook Park regarding the State Issue II multi-community application in order for the City

of Brook Park to apply for and accept State Issue II funding for the Improvement.

Section 4. That the Director of Law shall approve any agreements and the agreements shall contain additional terms and conditions as he deems necessary to protect and benefit the public interest.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2068-04.

By Council Member Dolan.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ganley Chevrolet to encroach into the right-of-way of Lorain Avenue for the construction, use, and maintenance of a landscape buffer zone.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Ganley Chevrolet, 15310 Lorain Avenue, Cleveland, Ohio, for the construction, use, and maintenance of a landscape buffer zone which will encroach into the public right-of-way of Lorain Avenue.

Section 2. That said landscape buffer zone will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with the plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a building permit, shall be obtained before said landscape buffer zone is constructed.

Section 3. That the permit herein authorized shall reserve right of ingress and egress to the City of Cleveland and that said Permit shall require the Permittee to provide Commercial General Liability Insurance and that the Permittee shall pay any applicable taxes and assessments due and owing on the permitted encroachment area.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 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 January 31, 2005.
Effective February 2, 2005.

Ord. No. 2107-04.
By Council Members Zone, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Resolution No. 1485-04, adopted October 11, 2004, relating to an intent to vacate a portion of Side Avenue.

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

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

Section 1. That Section 1 of Resolution No. 1485-04, adopted October 11, 2004, is amended to read as follows:

Section 1. That this Council declares its intention to vacate a portion of the following described real property: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being known as all that portion of the southerly 12 feet of Side Avenue N.W. (width varies) extending from the Easterly line of West 58 Place (13.50 feet wide) Easterly to the West line of the William Wessing Allotment as shown by the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records.

Reviewed and Approved by Greg Esber, Survey Section Chief for E&C.

Section 2. That existing Section 1 of Resolution No. 1485-04, adopted October 11, 2004, is repealed.

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

Passed January 31, 2005.
 Effective February 2, 2005.

Ord. No. 2121-04.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 18th Street to Christian Flores.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-02-071, as more fully described below, to Christian Flores.

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

P. P. No. 004-02-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in Averell and Bradford's Grove Allotment of part of Original Brooklyn Township Lot No. 70, as shown by the recorded plat in Volume 4 of Maps, Page 3 of Cuyahoga County Records and being parcel of land 30 feet front on the Easterly side of West 18th Street and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed January 31, 2005.
 Effective February 2, 2005.

Ord. No. 2199-04.
By Council Members Britt, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of 10265 Carnegie Avenue to construct, install, use, and maintain a Ground Sign.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to The Cleveland Clinic Foundation 10265 Carnegie Avenue

to encroach into the public right-of-way above Carnegie Avenue by constructing, installing, using, and maintaining a ground sign, at the location more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original 100 Acre Lot No. 401.

Beginning at the intersection of the north line of Carnegie Avenue (width varies) and the center line of Vacated East 102nd Street 44' (Ord. No. 320-97 passed March 24, 1997);

thence easterly along said north line of Carnegie Avenue 156.0 feet to a point;

thence southerly perpendicular with said north line 6.00 feet to the principal place of beginning;

thence continuing southerly 6.00 feet to a point;

thence easterly parallel with said north line 3.00 feet to a point;

thence northerly perpendicular with said north line 6.00 feet to a point;

thence westerly parallel with said north line 3.0 feet to the place of beginning.

Legal Description approved by Greg J. Esber, Plats, Surveys and House Numbering Section.

Permittee may assign the Permit only with the written consent of the Director of Public Service.

Section 2. That Permittee shall construct and install the encroaching structure(s) only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroaching structure(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall include such additional provisions as he determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve reasonable right of entry to the City.

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

Passed January 31, 2005.
 Effective February 2, 2005.

Ord. No. 2247-04.
By Council Members Britt, Johnson, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with Case Western Reserve University for improvements to portions of the Tony Brush Field.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with Case Western Reserve University ("Case") for portions of the Tony Brush Field for use by their softball team. Case may make improvements to the adopted property, which improvements shall be maintained during the term of the property adoption.

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

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

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

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2254-04.

By Council Member O'Malley.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 47th and West 49th Streets to Cleveland Housing Network, Inc. or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-22-055 and 016-22-141, as more fully described below, to Cleveland Housing Network, Inc. or designee.

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

P. P. No. 016-22-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 46, bounded and described as follows:

Beginning at the intersection of the Westerly line of West 47th Street, S.W. (formerly Dupont Street) with the Southerly line of Carlos Avenue, S.W. (formerly Carlos Street); thence Westerly along the Southerly line of Carlos Avenue S.W., 125.12 feet to the Westerly line of land conveyed to Arthur G. and Anna Storer to William H. Heil by deed recorded in Volume 928, Page 10 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to said William H. Heil 32.81 feet; thence Easterly 125.11 feet to a point in the Westerly line of West 47th Street, S.W., 33.19 feet Southerly from the place of beginning; thence Northerly along the Westerly line of West 47th Street, S.W. 33.19 feet to the place of beginning, and further known as being Sublot No. 22 in William H. Heil's proposed Allotment of part of Original Brooklyn Township Lot No. 46, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 016-22-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 149 and the Easterly 7 feet of West 50th Place (14 feet wide) now vacated, in the Joseph Storer Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 12 of Maps, Page 50 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 49th Street, and extending back of equal width, 140.12 feet deep on the Northerly line, 139.35 feet deep on the Southerly line, and 40.01 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2288-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide electrical engineering services for the Division of Cleveland Public Power 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 Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide electrical engineering services, for the Division of Cleveland Public Power, including but not limited to performing defective pole remediation, system upgrades, and strategic system expansion, for a period of two years, on an as-needed basis.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. 153266.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2292-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed for water main and service connection repairs, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of labor and materials needed for water main and service connection repairs, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 148997)

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2293-04.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the

public improvement of cleaning and cement mortar lining of various distribution water mains in the City of Cleveland, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 001, 52 SF 229, and 52 SF 231, Request No. 148886.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2301-04.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, concrete bus pads, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances necessary to provide a completed project; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing sidewalks, driveway aprons, concrete bus pads, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances necessary to provide a completed project, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement

contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 057, 10 SF 166, 10 SF 168, 11 SF 401, 13 SF 886, 14 SF 026, 14 SF 027, 14 SF 028, 14 SF 029, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 149358)

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2367-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Homeland Security/FEMA for the Metropolitan Medical Response System; and to enter into one or more contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$400,000, from the Department of Homeland Security/FEMA for the Metropolitan Medical Response System; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2367-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program including, but not limited to, training.

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

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 2369-04.
By Council Member Britt.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue to Mahmoud Jaber.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-28-023, as more fully described below, to Mahmoud Jabet.

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

P. P. No. 119-28-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in the Curtiss-Ambler Realty Company's Allotment of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records and being 52.13 feet front on the Southerly side of Cedar Avenue (now known as Cedar Avenue, S.E.), 118.40 feet on the Westerly line, 114.82 feet deep on the Easterly line, which is also the Westerly side of East 80th Street, and 52 feet wide in the rear, as appears by said plat.

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

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

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

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 3-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide desktop support services and IT Help Desk support services, for a period of one year with three 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 authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide desktop support services and IT Help Desk support services, for a period of one year with three one-year options to renew. The support services will include, but will not be limited to, supporting all desktop hardware, office automation software, desktop utilities, operating systems, peripheral ancillary software, and all desktop devices attached to the desktop.

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

Section 2. That the costs of the contract or contracts shall be paid from Fund No. 01-632000-151101, Request No. 141890.

Section 3. That under Section 108(b) of the Charter, the professional services authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance

may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 5-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Youth Services for the 2005 Juvenile Accountability Incentive Block Grant Program; and authorizing the Director to enter into an agreement with the Cuyahoga County Juvenile Court for the City to accept funding to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$83,365, from the Ohio Department of Youth Services, to conduct the 2005 Juvenile Accountability Incentive Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 5-05-A; made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$9,263, payable from Fund No. 01-600201-639905, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to enter into an agreement with the Cuyahoga County Juvenile Court for the City to accept funding in the amount of \$72,000 to implement the program; and the funds are appropriated for this purpose.

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

Passed January 31, 2005.
Effective February 2, 2005.

Ord. No. 8-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Cleveland Hopkins International and Burke Lakefront Airports, 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 Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote Cleveland Hopkins International and Burke Lakefront Airports, for a period of two years.

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

Section 2. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Cleveland Hopkins International and Burke Lakefront Airports, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the Director of Port Control is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Cleveland Hopkins International and Burke Lakefront airports, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 60 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129204)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed January 31, 2005.
Effective February 2, 2005.

COUNCIL COMMITTEE MEETINGS

**BLOCK GRANT HEARINGS
Wednesday, February 2, 2005
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Lewis, Reed, Pierce Scott, Zone. *Authorized Absence:* Jones

**PUBLIC HEARING
Wednesday, February 2, 2005
1:00 p.m.**

City Planning Committee; and Finance Committee: Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, Westbrook. *Authorized Absence:* O'Malley, Pierce Scott.

**BLOCK GRANT HEARINGS
Friday, February 4, 2005
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Coats, Lewis, Reed, Pierce Scott, Zone. *Authorized Absence:* Cintron, Jones.

**Monday, February 7, 2005
9:00 a.m.**

City Planning (Zoning) Committee: Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Lewis, O'Malley. *Authorized Absence:* Conwell, Westbrook, Pierce Scott. Pro-tem: Brady.

**GENERAL FUND
BUDGET HEARINGS
Tuesday, February 8, 2005
9:00 a.m.**

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Aging Department

Building Success for Cleveland’s Kinship Care Families Program — grant —
Cuyahoga County Department of Employment and Family Services
(O 174-05) 153

Agreements

League Park project — amendment to Agreement No. 59769 — City Architecture
(O 169-05) 150
Tony Bush Field — improvements — Case Western Reserve University — property adoption
agreement (O 2247-04) **174**

Banners

Diabetes Association of Greater Cleveland — 20th Annual Verizon Wireless Swim for
Diabetes (O 185-05)..... 163
Mt. Haven Missionary Baptist Church — permit — right-of-way — church’s anniversary
(O 194-05) 164

Board of Control — Aging Department

Successful Aging Elder Friendly Communities Pilot Project — contract per Ord. 2124-04 to
Cleveland State University (BOC Res. 56-05) 169

Board of Control — Cleveland Municipal Court

St. Clair Avenue, 205 — lease space to — Dept. of Finance (BOC Res. 57-05) 169

Board of Control — Cleveland Public Power Division

Test equipment, repair and testing — per Ord. 247-04 — all bids rejected — Dept. of
Public Utilities (BOC Res. 50-05) 167

Board of Control — Convention Center and Stadium Division

Photo lab relocation — amend BOC Res. 738-04 — Dept. of Public Service
(BOC Res. 52-05) 168

Board of Control — Finance Department

Lumber — per Ord. 2008-04 to Dougherty Lumber Company, Inc.
(BOC Res. 49-05) 167
Rockefeller Park — PPN 107-01-001 — sell to Glenville Development Corporation per Ord.
2328-04 (BOC Res. 55-05) 168
St. Clair Avenue, 205 — lease space to Cleveland Municipal Court
(BOC Res. 57-05) 169

Board of Control — Fire Division

Concrete pavement repair and replacement at Fire Station #4, 9, 10, 31 — contract
per Ord. 838-02 to Perk Company, Inc. — Dept. of Public Service
(BOC Res. 54-05) 168

Board of Control — Land Sales

Rockefeller Park — PPN 107-01-001 — sell to Glenville Development Corporation per Ord.
2328-04 (BOC Res. 55-05) 168

Board of Control — Leases

St. Clair Avenue, 205 — lease space to Cleveland Municipal Court — Dept. of Finance
(BOC Res. 57-05) 169

Board of Control — Motor Vehicle Maintenance Division

Ford truck parts and labor — contract per Ord. 1981-03 to Valley Ford Truck Sales, Inc. —
Dept. of Public Service (BOC Res. 53-05) 168

Board of Control — Port Control Department

Asphalt concrete and tack coat — contract per Ord. 1477-04 to The Shelly
Company (BOC Res. 51-05) 168

Board of Control — Professional Service Contracts

Successful Aging Elder Friendly Communities Pilot Project — contract
per Ord. 2124-04 to Cleveland State University — Dept. of Aging
(BOC Res. 56-05) 169

Board of Control — Public Improvement Contracts

Concrete pavement repair and replacement at Fire Station #4, 9, 10, 31 — contract
per Ord. 838-02 to Perk Company, Inc. — Dept. of Public Service
(BOC Res. 54-05) 168
Photo lab relocation to Convention Center — amend BOC Res. 738-04 — Dept. of Public
Service (BOC Res. 52-05) 168
Sprinkler work at former Aviation High School — contract per Ord. 2066-04
to MAC Mechanical Corporation — Dept. of Public Service
(BOC Res. 58-05) 169

Board of Control — Public Safety Department

Concrete pavement repair and replacement at Fire Station #4, 9, 10, 31 — contract
per Ord. 838-02 to Perk Company, Inc. — Dept. of Public Service
(BOC Res. 54-05) 168

Board of Control — Public Service Department

Concrete pavement repair and replacement at Fire Station #4, 9, 10, 31 — contract
per Ord. 838-02 to Perk Company, Inc. (BOC Res. 54-05) 168
Ford truck parts and labor — contract per Ord. 1981-03 to Valley Ford Truck Sales, Inc. —
Division of Motor Vehicle Maintenance (BOC Res. 53-05) 168
Photo lab relocation to Convention Center — amend BOC Res. 738-04
(BOC Res. 52-05) 168
Sprinkler work at former Aviation High School — contract per Ord. 2066-04 to
MAC Mechanical Corporation (BOC Res. 58-05) 169

Board of Control — Public Utilities Department

Test equipment, repair and testing — per Ord. 247-04 — all bids rejected — Division of
Cleveland Public Power (BOC Res. 50-05) 167

Board of Control — Purchases and Supplies Division

Rockefeller Park — PPN 107-01-001 — sell to Glenville Development Corporation per Ord.
2328-04 (BOC Res. 55-05) 168

Board of Control — Requirement Contracts

Asphalt concrete and tack coat — contract per Ord. 1477-04 to The Shelly Company — Dept.
of Port Control (BOC Res. 51-05) 168
Ford truck parts and labor — contract per Ord. 1981-03 to Valley Ford Truck Sales, Inc. —
Division of Motor Vehicle Maintenance, Dept. of Public Service
(BOC Res. 53-05) 168
Lumber — per Ord. 2008-04 to Dougherty Lumber Company, Inc. — Dept. of Finance
(BOC Res. 49-05) 167

Board of Control — Rockefeller Park

PPN 107-01-001 — sell to Glenville Development Corporation per Ord. 2328-04
 (BOC Res. 55-05) 168

Board of Zoning Appeals — Report

Brookpark Road, 6850, (Ward 16) — Denny’s Restaurant, c/o Kris Hohl, owner — appeal heard
 on 2/7/05 (Cal. 05-4) 170
 East 108th Street, 4072, (Ward 2) — Cleveland Housing Network, owner and Elizabeth Lee,
 tenant — appeal heard on 2/7/05 (Cal. 05-6) 170
 East 110th Street, 1428, (Ward 9) — Beth-El A.M.E. Zion Church c/o Reverend Charles
 Tyler, Sr., owner — appeal heard on 2/7/05 (Cal. 05-7) 170
 East 147th Street, 3855, (Ward 3) — Cleveland Housing Network, owner, c/o Paul Kapczuk —
 appeal granted and adopted on 2/7/05 (Cal. 04-335) 170
 Edgewater Drive, 11021, (Ward 18) — Craig Brown, owner — appeal heard on 2/7/05
 (Cal. 05-3) 170
 Literary Road, 525, (Ward 13) — Sutton Builders, owner — appeal granted and adopted on
 2/7/05 (Cal. 04-325) 170
 Literary Road, 619, (Ward 13) — Sutton Builders, owner — appeal granted and adopted on
 2/7/05 (Cal. 04-326) 170
 Lorain Avenue, 18101, (Ward 21) — Fairview Hospital, owner, c/o Paul Slebodnik — appeal
 granted and adopted on 2/7/05 (Cal. 05-1) 170
 Miles Road, 14114-14118, (Ward 1) — Susman-Cohen Properties, owner
 c/o Paul Goodrich, agent — appeal postponed to 3/14/05 on 2/7/05
 (Cal. 04-317) 170
 West 139th Street, 3666, (Ward 20) — Judith Muldoon, owner — appeal granted and adopted
 on 2/7/05 (Cal. 04-300) 170
 West 41st Street, 3181, (Ward 14) — Catholic Diocese of Cleveland and St. Procop Catholic
 Church c/o Sister Annette Amendolia SND, owner — appeal heard on 2/7/05
 (Cal. 05-5) 170

Board of Zoning Appeals — Schedule

Cedar Avenue, 7901, (Ward 6) — Midwest Telecom Payphones, c/o Mark Higgins, President -
 appeal to be heard on 2/22/05 (Cal. 05-8) 169
 East 120th Street, 1958-60, (Ward 6) — Nick Simone, owner — appeal to be heard on 2/22/05
 (Cal. 05-14) 169
 Lorain Avenue, 15235, (Ward 21) — Raymond Herzberger, owner and Ganley Chevrolet,
 c/o Craig Sotera, agent — appeal to be heard on 2/22/05
 (Cal. 05-16) 169
 St. Clair Avenue, 2630-32, (Ward 13) — Oswgi Limited Partnership, owner and
 WDOK Radio, c/o Ray Urich, lessee — appeal to be heard on 2/22/05
 (Cal. 05-19) 169
 St. Clair Avenue, 2644-54, (Ward 13) — Oswgi Limited Partnership, owner and
 WDOK Radio, c/o Ray Urich, lessee — appeal to be heard on 2/22/05
 (Cal. 05-20) 169
 St. John Avenue, 11843, (Ward 19) — Sabur Brown, owner — appeal to be heard on 2/22/05
 (Cal. 05-21) 170

Bonds

Bonds — issuance and sale — \$85,000,000 — refund certain outstanding general
 obligation bonds (O 167-05) 140

Burke Lakefront Airport

Marketing and advertising services — various contracts — Cleveland Hopkins
 International and Burke Lakefront Airports (O 8-05) 178
 Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and
 Cleveland Hopkins International Airport — new Section 571.88
 (O 2055-04) 173

Campaign Finance Commission

Warren, Christopher — Council’s representative — Fair Campaign Finance Commission
 (F 193-05) 139

Case Western Reserve University

Tony Bush Field — improvements — property adoption agreement
(O 2247-04) **174**

Charter

Ali, Ghassan — excuse from the requirement of Section 74 (O 192-05)..... 163

City Council

Warren, Christopher — Council’s representative — Fair Campaign Finance Commission
(F 193-05) 139

City of Cleveland Bids

Air tools repair and testing (re-bid) — Department of Public Utilities — Division
of Water Pollution Control — per Ord. 1740-01 — bid due February 25, 2005
(advertised 2/9/2005 and 2/16/2005)..... 171
Asphalt roller and trailer — Department of Public Service — per Ord. 1481-04 — bid due
February 23, 2005 (advertised 2/2/2005 and 2/9/2005) 170
Batteries, auto and truck — Department of Public Service — Division of Motor
Vehicle Maintenance — per Ord. 772-04 — bid due March 2, 2005
(advertised 2/9/2005 and 2/16/2005)..... 171
Cab / chassis with USV body (medium and large) — Department of Public Service — per Ord.
1481-04 — bid due February 23, 2005 (advertised 2/2/2005 and 2/9/2005) 170
Crossarms — Department of Public Utilities — Division of Cleveland Public Power —
per Ord. 1630-92 — bid due March 2, 2005 (advertised 2/9/2005 and 2/16/2005)..... 171
Euclid Avenue rehabilitation — Department of Public Service — Division of Engineering
and Construction — per Ord. 2333-03 — bid due February 18, 2005
(advertised 2/2/2005 and 2/9/2005) 170
Lamps, street lighting — Department of Public Utilities — Division of Cleveland Public
Power — per Ord. 1630-92 — bid due March 3, 2005
(advertised 2/2/2005 and 2/9/2005) 171
Mobile plasma cutter — Department of Public Service — per Ord. 1481-04 — bid due February
23, 2005 (advertised 2/2/2005 and 2/9/2005) 170
Prisoner meals — Department of Public Safety — Division of Police — per Ord. 2231-04 —
bid due February 25, 2005 (advertised 2/9/2005 and 2/16/2005) 171
Voice recording system (back-up) — Department of Public Safety —
Division of Police — per Ord. 533-04 — bid due February 25, 2005
(advertised 2/9/2005 and 2/16/2005)..... 171

City Planning Commission

Aberdeen Homes Planned Unit Development Overlay District — establishing — amend Ord.
No. 1689-2000 (O 2415-04)..... 166
Pease Court N.W. — vacate (Ward 17) (R 2371-04)..... **172**
Playhouse Square Community Entertainment District (CED) — establish
(O 45-05) 167
Playhouse Square Community Entertainment District — establish
(O 1187-04)..... **167-T**

Cleveland Clinic Foundation

Ground sing — permit — public right-of-way (O 2199-04) **174**

Cleveland Hopkins International Airport

Marketing and advertising services — various contracts — Cleveland Hopkins
International and Burke Lakefront Airports (O 8-05)..... **178**
Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and
Cleveland Hopkins International Airport — new Section 571.88
(O 2055-04) **173**

Cleveland Housing Network

Plain Dealer articles — copies (F 198-05).....	139
Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155
W. 47th & W. 49th Sts. — Land Reutilization Program (O 2254-04).....	175

Cleveland Public Power

Electrical engineering services — professional consultants (O 2288-04)	175
---	-----

Cleveland State University

Diabetes Association of Greater Cleveland — banner — 20th Annual Verizon Wireless Swim for Diabetes (O 185-05)	163
---	-----

Codified Ordinances

Cameras to impose civil penalties upon red light and speeding violators — new Section 413.12 (O 176-05)	154
Remittance of utility bill payments — new Sections 646.01 to 646.09 and 646.99 (O 2198-04).....	167-T
Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and Cleveland Hopkins International Airport — new Section 571.88 (O 2055-04)	173

Communications

Cleveland Housing Network, Inc. — copies of Plain Dealer articles (F 198-05)	139
Cleveland Public Library — Director's Report, January 20, 2004 (F 195-05)	139
Mayor's Emergency Requisitions — none for the month of January, 2005 (F 196-05)	139
URS Corporation — Notice of Intent and Applicant's Public Meeting — ISG Cleveland, Inc. (F 197-05)	139

Community Development

Cedar Ave. & E. 37th and 39th Sts. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 179-05).....	158
Cedar Ave. — Land Reutilization Program — Mahmoud Jaber (O 2369-04)	177
Clark Ave. — Land Reutilization Program — Stockyard Development Organization (O 182-05)	162
Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155
E. 68th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 178-05)	158
E. 97th St. — Land Reutilization Program — Archie L. Bell III (O 180-05)	160
Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements — Fairfax Renaissance Development Corp. (O 171-05).....	150
St. Clair Ave. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 181-05)	161
W. 18th St. — Land Reutilization Program — Christian Flores (O 2121-04)	174
W. 47th & W. 49th Sts. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 2254-04)	175

Community Development Block Grant Program

Funds — opposing plan to reduce — President George W. Bush (R 187-05)	165
---	-----

Condolences

Freeman, Areea (R 216-05)	140
Jones, Roy Andrew (R 215-05)	140
Mason, Irene (R 217-05).....	140
Massingill Ward, Bertha Lee (R 218-05)	140

Congratulations

Miller, Stanley R. (R 219-05)	140
-------------------------------------	-----

Contracts

Dolbey Systems, Inc. — WordNet Series 3 digital voice recorder — Divisions of Fire and Emergency Medical Service (O 168-05).....	150
Eagle Engineering & Manufacturing, Inc. — assignment of Enterprise Zone Contract No. 51883 — Enerco Realty, LLC (O 183-05).....	163
Marketing and advertising services — various contracts — Cleveland Hopkins International and Burke Lakefront Airports (O 8-05).....	178

Economic Development Department

CBD Job Creation Incentive Grant Program — implementation — Economic development incentives — provision (O 172-05)	152
DeAloia, Michael C. — oath of office — Secretary to the Director of Economic Development (F 203-05).....	140
Eagle Engineering & Manufacturing, Inc. — assignment of Enterprise Zone Contract No. 51883 — Enerco Realty, LLC (O 183-05).....	163

Emergency Medical Service Division

Dolbey Systems, Inc. — contracts — WordNet Series 3 digital voice recorder — Divisions of Fire and Emergency Medical Service (O 168-05).....	150
---	-----

Emergency Purchases

January, 2005 — none for the month (F 196-05).....	139
--	-----

Engineering and Construction Division

Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments — public improvement (O 2301-04)	176
--	-----

Finance Department

Bonds — issuance and sale — \$85,000,000 — refund certain outstanding general obligation bonds (O 167-05)	140
CBD Job Creation Incentive Grant Program — implementation — Economic development incentives — provision (O 172-05)	152
Desktop support services — IT Help Desk support services — professional consultants (O 3-05)	177
Hardy, James E. — oath of office — Commissioner of Purchases and Supplies Division (F 207-05)	140
Schneider, Alan — oath of office — Secretary to the Director of Finance (F 204-05)	140

Fire Division

Dolbey Systems, Inc. — contracts — WordNet Series 3 digital voice recorder — Divisions of Fire and Emergency Medical Service (O 168-05).....	150
---	-----

Funds

Multi-community application — funds — City of Brook Park — widening of W. 150th St. (O 2056-04)	173
--	-----

Grants

Building Success for Cleveland's Kinship Care Families Program — Cuyahoga County Department of Employment and Family Services (O 174-05)	153
Juvenile Accountability Incentive Block Grant Program, 2005 — Ohio Department of Youth Services (O 5-05)	178
Metropolitan Medical Response System — Department of Homeland Security/FEMA (O 2367-04)	176

Health Department

Bess, Willie L. — oath of office — Commissioner of Environment Division (F 208-05)	140
Nemeth, Richard L. — oath of office — Commissioner of Air Quality (F 206-05)	140
Parekh, Anjou — oath of office — Commissioner of Health (F 205-05)	140

Land Reutilization Program

Cedar Ave. & E. 37th and 39th Sts. — Burten, Bell, Carr Development, Inc. (O 179-05)	158
Cedar Ave. — Mahmoud Jaber (O 2369-04)	177
Clark Ave. — Stockyard Development Organization (O 182-05)	162
Cleveland Housing Network, LPXXII — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155
E. 68th St. — Burten, Bell, Carr Development, Inc. (O 178-05)	158
E. 97th St. — Archie L. Bell III (O 180-05)	160
St. Clair Ave. — Cleveland Housing Network, Inc. (O 181-05)	161
W. 18th St. — Christian Flores (O 2121-04)	174
W. 47th & W. 49th Sts. — Cleveland Housing Network, Inc. (O 2254-04)	175

Landmark Commission

Watterson-Lake Elementary School — Cleveland Landmark (O 173-05)	153
Willson Middle School — Cleveland Landmark (O 175-05)	154

League Park Center

League Park project — amendment to Agreement No. 59769 — City Architecture (O 169-05)	150
---	-----

Liquor Permits

Bellaire Ave., 11022 — objection — withdraw (Ward 19) (R 188-05)	165
Cedar Ave., 8301 — objection — withdraw (Ward 6) (R 135-05)	172
Cedar Ave., 8716 — objection — withdraw (Ward 6) (R 190-05)	166
E. 116th St., 2871-75 — transfer (Ward 4) (F 202-05)	140
E. 49th St., 3210 — new (Ward 5) (F 200-05)	139
Forest Ave., 12916 — objection — withdraw (Ward 4) (R 191-05)	166
Larchmere Blvd., 12101 — new (Ward 6) (F 199-05)	139
Larchmere Blvd., 12102 — objection (Ward 6) (R 189-05)	165
St. Clair Ave., 7502 — objection — withdraw (Ward 8) (R 136-05)	172
W. 25th St., 3203 — transfer (Ward 14) (F 201-05)	139

Neighborhood Equity Funds

Miles Recreation Center — purchase various equipment — recreational programs — Ward 2 (O 184-05)	163
--	-----

Oath of Office

Bess, Willie L. — Commissioner of Environment Division (F 208-05)	140
DeAloia, Michael C. — Secretary to the Director of Economic Development (F 203-05)	140
Hardy, James E. — Commissioner of Purchases and Supplies Division (F 207-05)	140
Nemeth, Richard L. — Commissioner of Air Quality (F 206-05)	140
Parekh, Anjou — Commissioner of Health (F 205-05)	140
Schneider, Alan — Secretary to the Director of Finance (F 204-05)	140

Parks, Recreation and Properties Department

Lakeshore Blvd., 16300 — appropriate property — park and recreational use (O 170-05)	150
League Park project — amendment to Agreement No. 59769 — City Architecture (O 169-05)	150
Miles Recreation Center — purchase various equipment — recreational programs — Ward 2 NEF (O 184-05)	163
Parks, Recreation and Properties Department — F. Buddie Construction Company, Inc. — League Park Renovations (Phase 2) — Contract No. 58865 (F 210-05)	140
Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements — Fairfax Renaissance Development Corp. (O 171-05)	150
Tony Bush Field — improvements — Case Western Reserve University — property adoption agreement (O 2247-04)	174

Permits

Cleveland Clinic Foundation, The — public right-of-way — Ground Sign (O 2199-04)	174
Ganley Chevrolet — right-of-way — Lorain Ave. — landscape buffer zone (O 2068-04)	173
Mt. Haven Missionary Baptist Church — right-of-way — 6 banners — church's anniversary (O 194-05)	164

Plats

Old Grayton Road — Dedication Plat — authorizing the Mayor to sign (R 2238-04)	171
---	-----

Port Control Department

Marketing and advertising services — various contracts — Cleveland Hopkins International and Burke Lakefront Airports (O 8-05)	178
Use of and Rental Fee Schedule for Meeting Room Space at Burke Lakefront Airport and Cleveland Hopkins International Airport — new Section 571.88 (O 2055-04)	173

Purchases and Supplies Division

Hardy, James E. — oath of office — Commissioner of Purchases and Supplies Division (F 207-05)	140
Mayor's Emergency Requisitions — none for the month of January, 2005 (F 196-05)	139

Residence Requirements

Ali, Ghassan — excuse from the requirement of Section 74 (O 192-05)	163
---	-----

Resolutions — Miscellaneous

Community Development Block Grant funding — opposing plan to reduce — President George W. Bush (R 187-05)	165
Mental health parity bill — urging Ohio legislature (R 186-05)	165
Social Security — opposing privatization and personal social security accounts (R 137-05)	172

Right-of-Way

Cleveland Clinic Foundation, The — permit — Ground Sign
 (O 2199-04) 174
 Ganley Chevrolet — permit — Lorain Ave. — landscape buffer zone
 (O 2068-04) 173
 Mt. Haven Missionary Baptist Church — permit — 6 banners — church’s anniversary
 (O 194-05) 164

Safety Department

Dolbey Systems, Inc. — contracts — WordNet Series 3 digital voice recorder — Divisions
 of Fire and Emergency Medical Service (O 168-05)..... 150
 Metropolitan Medical Response System — grant — Department of Homeland Security/FEMA
 (O 2367-04) 176
 Safety Department — Apex Construction Company — Fire Alarm Dispatch Office Expansion
 Project — Contract No. 61610 (F 211-05)..... 140

Service Department

Brevier Ave. S.W. — intention to vacate (R 2065-04) 171
 Cleveland Clinic Foundation, The — permit — public right-of-way — Ground Sign
 (O 2199-04) 174
 Diabetes Association of Greater Cleveland — banner — 20th Annual Verizon Wireless Swim
 for Diabetes (O 185-05)..... 163
 Ganley Chevrolet — permit — right-of-way — Lorain Ave. — landscape buffer zone
 (O 2068-04) 173
 Mt. Haven Missionary Baptist Church — permit — right-of-way — 6 banners — church’s
 anniversary (O 194-05)..... 164
 Multi-community application — funds — City of Brook Park — widening of W. 150th St.
 (O 2056-04) 173
 Old Grayton Road — Dedication Plat — authorizing the Mayor to sign
 (R 2238-04) 171
 Old Grayton Road, S.W. — vacate a portion (R 2239-04)..... 171
 Pease Court N.W. — vacate (Ward 17) (R 2371-04)..... 172
 Service Department — Environcom Construction — Salt Dome Renovations — Contract No.
 62552 (F 214-05)..... 140
 Service Department — Shirmer Construction Company, Data & Joint Operations Center (Phase
 1) — Contract No. 62466 (F 209-05)..... 140
 Side Ave. — intent to vacate — amend Res. No. 1485-04 (O 2107-04)..... 174
 Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge
 approaches, utility box and casting adjustments — public improvement
 (O 2301-04) 176
 Un-Named Alley 1st, West of Pearl Road — intention to vacate
 (R 2127-04) 171

Sidewalks

Sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge
 approaches, utility box and casting adjustments — public improvement
 (O 2301-04) 176

Social Security

Social Security — opposing privatization and personal social security accounts
 (R 137-05) 172

Statement of Work Acceptance

Parks, Recreation and Properties Department — F. Buddie Construction Company, Inc.
 — League Park Renovations (Phase 2) — Contract No. 58865
 (F 210-05) 140
 Safety Department — Apex Construction Company — Fire Alarm Dispatch Office Expansion
 Project — Contract No. 61610 (F 211-05)..... 140
 Service Department — Environcom Construction — Salt Dome Renovations — Contract No.
 62552 (F 214-05)..... 140

Service Department — Shirmer Construction Company, Data & Joint Operations Center (Phase 1) — Contract No. 62466 (F 209-05)	140
Utilities Department — Terrace Construction Corporation, Inc. — cleaning and lining 2002 -Area A — Contract No. 59473 (F 213-05)	140
Utilities Department — Contract No. 62832 — D & M Painting Corp — Kirtland Intake Crib Painting (F 212-05)	140

Street Vacation

Brevier Ave. S.W. — intention to vacate (R 2065-04)	171
Old Grayton Road, S.W. — vacate a portion (R 2239-04)	171
Pease Court N.W. — vacate (Ward 17) (R 2371-04)	172
Side Ave. — intent to vacate — amend Res. No. 1485-04 (O 2107-04)	174
Un-Named Alley 1st, West of Pearl Road — intention to vacate (R 2127-04)	171

Tabled Legislation

Playhouse Square Community Entertainment District — establish (O 1187-04)	167-T
Remittance of utility bill payments — new Sections 646.01 to 646.09 and 646.99 (O 2198-04)	167-T

Traffic Code

Cameras to impose civil penalties upon red light and speeding violators — new Section 413.12 (O 176-05)	154
--	-----

Utilities Department

Distribution water mains — cleaning and cement mortar lining (O 2293-04)	176
Electrical engineering services — professional consultants — Division of Cleveland Public Power (O 2288-04)	175
Remittance of utility bill payments — new Sections 646.01 to 646.09 and 646.99 (O 2198-04)	167-T
Utilities Department — Terrace Construction Corporation, Inc. — cleaning and lining 2002 -Area A — Contract No. 59473 (F 213-05)	140
Utilities Department — Contract No. 62832 — D & M Painting Corp — Kirtland Intake Crib Painting (F 212-05)	140
Water main and service connection repairs — Division of Water (O 2292-04)	175

Ward 02

Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155
Freeman, Areeta — condolence (R 216-05)	140
Jones, Roy Andrew — condolence (R 215-05)	140
Mason, Irene — condolence (R 217-05)	140
Miles Recreation Center — purchase various equipment — recreational programs — NEF (O 184-05)	163

Ward 03

Boykin, 1st Sgt. Dante W. — welcome (R 220-05)	140
Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155
Mason, Irene — condolence (R 217-05)	140
Mt. Haven Missionary Baptist Church — permit — right-of-way — 6 banners — church's anniversary (O 194-05)	164

Ward 04

E. 116th St., 2871-75 — transfer — liquor permit (F 202-05)	140
Forest Ave., 12916 — objection — withdraw — liquor permit (R 191-05)	166

Ward 05

Cedar Ave. & E. 37th and 39th Sts. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 179-05)..... 158
 Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05) 155
 E. 49th St., 3210 — new — liquor permit (F 200-05) 139
 E. 68th St. — Land Reutilization Program — Burten, Bell, Carr Development, Inc. (O 178-05) 158
 Miller, Stanley R. — congratulation (R 219-05)..... 140

Ward 06

Cedar Ave. — Land Reutilization Program — Mahmoud Jaber (O 2369-04)..... 177
 Cedar Ave., 8301 — objection — withdraw — liquor permit (R 135-05) 172
 Cedar Ave., 8716 — objection — withdraw — liquor permit (R 190-05) 166
 Cleveland Clinic Foundation, The — permit — public right-of-way — Ground Sign (O 2199-04) 174
 Larchmere Blvd., 12101 — new — liquor permit (F 199-05) 139
 Larchmere Blvd., 12102 — objection — liquor permit (R 189-05)..... 165
 Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements — Fairfax Renaissance Development Corp. (O 171-05)..... 150

Ward 07

E. 97th St. — Land Reutilization Program — Archie L. Bell III (O 180-05) 160
 Massingill Ward, Bertha Lee — condolence (R 218-05) 140
 Willson Middle School — Cleveland Landmark (O 175-05)..... 154

Ward 08

St. Clair Ave. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 181-05) 161
 St. Clair Ave., 7502 — objection — withdraw — liquor permit (R 136-05)..... 172

Ward 10

Aberdeen Homes Planned Unit Development Overlay District — establishing — amend Ord. No. 1689-2000 (O 2415-04)..... 166

Ward 13

Aberdeen Homes Planned Unit Development Overlay District — establishing — amend Ord. No. 1689-2000 (O 2415-04)..... 166
 Diabetes Association of Greater Cleveland — banner — 20th Annual Verizon Wireless Swim for Diabetes (O 185-05) 163
 Playhouse Square Community Entertainment District (CED) — establish (O 45-05) 167
 Playhouse Square Community Entertainment District — establish (O 1187-04)..... 167-T
 W. 18th St. — Land Reutilization Program — Christian Flores (O 2121-04) 174

Ward 14

Brevier Ave. S.W. — intention to vacate (R 2065-04) 171
 Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05) 155
 W. 25th St., 3203 — transfer — liquor permit (F 201-05)..... 139

Ward 15

Un-Named Alley 1st, West of Pearl Road — intention to vacate (R 2127-04) 171

Ward 16

W. 47th & W. 49th Sts. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 2254-04) 175

Ward 17

Clark Ave. — Land Reutilization Program — Stockyard Development Organization (O 182-05)	162
Pease Court N.W. — vacate (R 2371-04)	172
Side Ave. — intent to vacate — amend Res. No. 1485-04 (O 2107-04).....	174
Watterson-Lake Elementary School — Cleveland Landmark (O 173-05)	153

Ward 19

Bellaire Ave., 11022 — objection — withdraw — liquor permit (R 188-05)	165
Cleveland Housing Network, LPXXII — Land Reutilization Program — scattered sites (Wards 2, 3, 5, 14, 19) (O 177-05)	155

Ward 20

Eagle Engineering & Manufacturing, Inc. — assignment of Enterprise Zone Contract No. 51883 — Enerco Realty, LLC (O 183-05).....	163
Multi-community application — funds — City of Brook Park — widening of W. 150th St. (O 2056-04)	173
Old Grayton Road — Dedication Plat — authorizing the Mayor to sign (R 2238-04)	171
Old Grayton Road, S.W. — vacate a portion (R 2239-04).....	171

Ward 21

Ganley Chevrolet — permit — right-of-way — Lorain Ave. — landscape buffer zone (O 2068-04)	173
---	------------

Water Division

Distribution water mains — cleaning and cement mortar lining (O 2293-04)	176
Water main and service connection repairs (O 2292-04).....	175

Welcome

Boykin, 1st Sgt. Dante W. (R 220-05).....	140
---	-----

Zoning

Playhouse Square Community Entertainment District — establish (O 1187-04).....	167-T
--	--------------