

The City Record

Official Publication of the Council of the City of Cleveland



May the Twelfth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

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

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

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – 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 – _____, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

DEPT. OF COMMUNITY DEVELOPMENT – 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 – _____, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, MAY 12, 2004

No. 4718

CITY COUNCIL

MONDAY, MAY 10, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 10, 2004

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, Conwell, Dolan, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Mayor Campbell, Chief of Staff Janik, Chief Operating Officer Brown, Director Chandra, Chief Assistant Director of Law Langhenry, Directors Baker, Konicek, Mok, Carroll, Watson, N. Ronayne, Rush, Williams, Routen, Fumich, Taylor, Johnson and C. Ronayne and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Jesse Harris of Tabernacle Baptist Church, located at 2042 West 26th Street in Ward 14. Pledge of Allegiance.

MOTION

On the motion of Council Member Cimperman the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member White.

COMMUNICATIONS

File No. 351-04-B.

Response from property owner to Resolution No. 351-04 assessment notice — Eleanor Cernanec. Received.

File No. 797-04-A.

From The Greater Cleveland Regional Transit Authority — receipt letter regarding Resolution No. 797-04, Geauga Lake Park Service. Received.

File No. 869-04.

From the Division of Purchases and Supplies — Emergency Requisitions/Purchase Orders, none for the month of April 2004. Received.

File No. 870-04.

From the U.S. General Services Administration — Carl B. Stokes United States Courthouse issue. Received.

File No. 871-04.

From Policy Matters Ohio Cleveland's Living Wage Law: A Three-Year Review. Received.

File No. 872-04.

From The Center for Community Solutions and United Way Services — Housing, report published April 2004. Received.

File No. 873-04.

From Tanya Jones, Living Wage Project Coordinator — re: Financial Assistance compliance report dated from 2001-2003, in accordance with C.O. 189.05. Monitoring and Enforcement Living Wage Law. Received.

File No. 874-04.

From the City of North Olmsted City Council — copy of Resolution No. 2004-74 re: urging amendment to House Bill 12, new state carrying weapons law. Received.

File No. 875-04.

From the Greater Cleveland Regional Transit Authority 2003 Annual Report. Received.

File No. 876-04.

From the Greater Cleveland Regional Transit Authority Bimonthly Newsletter for public officials and community leaders, April 2004, Volume 6. Received.

File No. 877-04.

From the Department of Finance re: Subsidiary Agreement — 205 St. Clair Building Improvements, Contract No. 62466A. Received.

FROM DEPARTMENT OF LIQUOR CONTROL**File No. 878-04.**

Re: Transfer of Ownership Application — 1842849 — Cuatro Amigos, L.L.C., d.b.a. O. Braziao Churrascaria, first floor and basement and patio, 1300 West Ninth St., Unit 100. (Ward 13). Received.

File No. 879-04.

Re: Transfer of Ownership Application — 4793893 — Korea House Restaurant, Inc., 3700 Superior Avenue, first floor and basement. (Ward 13). Received.

MAYOR'S APPOINTMENTS**File No. 880-04.**

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Housing Advisory Board.

I am pleased to recommend the following individual for appointment to the Housing Advisory Board.

1. Janet Loehr
Reappointment
Term expires on February 28, 2007

Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 881-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Housing Advisory Board.

I am pleased to recommend the following individual for appointment to the Housing Advisory Board.

1. Terri Hamilton Brown
Reappointment
Term expires on February 28, 2007

Once a date is determined for the Mayoral Appointment Committee

hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 882-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Housing Advisory Board.

I am pleased to recommend the following individual for appointment to the Housing Advisory Board.

1. Joan Shaver Washington
Reappointment
Term expires on February 28, 2007

Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 883-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Housing Advisory Board.

I am pleased to recommend the following individual for appointment to the Housing Advisory Board.

1. Vickie Eaton Johnson
Reappointment
Term expires on February 28, 2007

Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 884-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Housing Advisory Board.

I am pleased to recommend the following individual for appointment to the Housing Advisory Board.

1. Marcia Nolan
Reappointment
Term expires on February 28, 2007

Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 885-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Community Relations Board.

I am pleased to recommend the following individual for appointment to the Community Relations Board.

1. Emilie M. Barnett
New Appointment
Term expires on March 31, 2008

Her Resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 886-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Community Relations Board.

I am pleased to recommend the following individual for appointment to the Community Relations Board.

- 1. Evangeline Hardaway
Reappointment
Term expires on March 31, 2008

Her resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 887-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the Cleveland — Cuyahoga County Port Authority Board.

I am pleased to recommend the following individual for appointment to the Port Authority.

- 1. Leonard Young
Reappointment
Term expires on January 28, 2008

His resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 888-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's, Landmark's Commission.

I am pleased to recommend the following individual for appointment to the Landmark's Commission.

- 1. Ted Sande
Reappointment
Term expires on December 31, 2007

His resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 889-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Greater Cleveland Regional Transit Authority Board.

I am pleased to recommend the following individual for appointment to the Greater Cleveland Regional Authority Board.

- 1. Iris Rodriguez
New Appointment
Term expires on March 2, 2007

Her Resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 890-04.

April 30, 2004

The Honorable Frank Jackson
Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

This letter advises you and City Council that I am submitting a name for appointment to the City of Cleveland's Community Relations Board.

I am pleased to recommend the following individual for appointment to the Community Relations Board.

- 1. Emmett Saunders
Reappointment
Term expires on March 31, 2008

His resume is attached. Once a date is determined for the Mayoral Appointment Committee hearing, I ask that you please place the above stated appointment on the committee agenda. Thank you.

Sincerely,
Jane L. Campbell,
Mayor

Received.
Referred to Committee on Mayor's Appointments.

File No. 891-04.

May 10, 2004

The Honorable Frank G. Jackson,
President
Office of the Council
601 Lakeside Avenue
Room 216
Cleveland, Ohio 44114

Dear Council President Jackson:

On May 4, 2004 letters for the Mayor's reappointment of Mr. Ted Sande to the Landmarks Commission and appointment of Ms. Iris Rodriguez to the Greater Cleveland Regional Transit Authority Board were sent to your office.

At this time we are not submitting these individuals for consideration, therefore I ask that the letters be pulled and returned to my Special Assistant Yvonne Booze-Roberson.

Thank you for your assistance.

Sincerely,
Deb Janik,
Chief of Staff
Office of the Mayor

Received.
Referred to Committee on Mayor's Appointments.

PLATS

File No 814-04.

Pembrook Homes Subdivision Plat, Part of Original Euclid Township Tract No. 5.

Approved by Committees on Public Service and City Planning.
Without objection, Plat approved.

CONDOLENCE RESOLUTIONS

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

- Res. No. 823-04**—Sgt. Terrence Kilbane.
- Res. No. 892-04**—Daniel R. Thompson.
- Res. No. 893-04**—Chester B. Reddick.
- Res. No. 894-04**—Mattie B. Smith.
- Res. No. 895-04** — Francis Lewis Osborne.
- Res. No. 896-04** — Juanita Maya Worley.
- Res. No. 897-04**—Paul D. Netters.

CONGRATULATION RESOLUTIONS

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

- Res. No. 898-04** — Central Cadillac-Hummer.
- Res. No. 899-04** — Dr. Joy A. Jordan.
- Res. No. 900-04** — Olga D. Gonzalez-Sanabria.
- Res. No. 901-04** — Helen Rowland Marter.
- Res. No. 902-04** — Sandra Pianalto.
- Res. No. 903-04** — Judge Patricia Ann Blackmon.
- Res. No. 904-04** — Kathleen B. Burke.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 830-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2005 Team Approach to Violence Against Women Program - Prosecution; and to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants 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 Law is authorized to apply for and accept a grant in the amount of \$150,190, from the Criminal Justice Service Agency, to conduct the 2005 Team Approach to Violence Against Women Program - Prosecution, for the purposes set forth in the application and according thereto; that the Director of Law is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that said funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 830-04-A, made a part hereof as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$56,063 from Fund Nos. 01-100105-639905 and 01-100106-639905, is approved in all respects.

Section 3. That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with professional consultants to implement the program as described in the file, payable from the fund or funds to which are credited the grant proceeds and cash match accepted under this ordinance.

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

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

Ord. No. 831-04.

By Council Member Jackson.

An emergency ordinance authorizing payment of membership dues of the City of Cleveland in various professional organizations.

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 cause payment of 2004 membership dues of the City of Cleveland to be made to the Ohio Municipal League, NOACA,

Mayors and Managers Association, U.S. Conference of Mayors, National League of Cities, Downtown Development Corp., Build Up Greater Cleveland and the International Trade Alliance. The membership dues for the Ohio Municipal League will include forty-five subscriptions to Cities and Village Magazine.

Section 2. That the payment for the dues and subscriptions shall be paid from Fund Nos. 01-999800-623100, 01-999800-623200, 01-999800-623300, 01-999800-623700, 01-999800-623800, 01-999800-624600, 01-999800-624700, and 01-999800-624800, Request No. 146208.

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

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

Ord. No. 832-04.

By Council Member Jackson.

An emergency ordinance authorizing the Director of Finance to enter into one or more requirement contracts without competitive bidding with Dominion East Ohio for the purchase of natural gas transportation services for the City's natural gas accounts; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of one year with a one-year option 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 this Council has determined that natural gas transportation services are non-competitive and cannot be secured from any source other than Dominion East Ohio. Therefore, the Director of Finance is authorized to make one or more written requirement contracts with Dominion East Ohio under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, for natural gas transportation services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf), for the various divisions of City government.

Section 2. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, for the purchase of natural gas to be transported by Dominion East Ohio in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf) for the various divisions of City government. Bids shall be

taken in a manner that permits an award to be made for all City natural gas accounts as a single contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines. Alternate bids for a period less than the term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be certified and charged against the proper appropriation accounts in accordance with law. (RL 104791)

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.

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

Ord. No. 833-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the City, to become a subscriber of and enter into a non-exclusive Subscriber Services Agreement with OneCleveland to obtain high-speed, low-cost data connectivity throughout the City of Cleveland.

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, on behalf of the City, is authorized to become a subscriber of OneCleveland and to enter into a non-exclusive, Subscriber Services Agreement with OneCleveland to obtain high-speed, low-cost data connectivity for City of Cleveland buildings for a term of five years.

Section 2. That the City's obligations under the Subscriber Services Agreement for years two through five are subject to lawful appropriation and certification.

Section 3. The price of the first year of the subscription shall be determined by the Board of Control, payable from Fund No. 01-999800-632000, Request No. 146207. The price for each year of years two through five shall be determined by the Board of Control, subject to annual appropriation.

Section 4. That the City is not responsible for any of OneCleveland's capital costs.

Section 5. That the agreement shall be prepared by the Director of Law and shall contain such terms and conditions that the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 834-04.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide financing for the Nottingham Backwash Clarifier Project; determining the method of making the public improvement of constructing the improvements; 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 the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$7,100,000 to provide financing for the Nottingham Backwash Clarifier Project, including but not limited to construction of two backwash clarifiers, an attenuation basin, and a backwash water clarifier sludge pump building (the "Improvement").

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, according to the fact sheet contained in File No. 834-04-A, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 3. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvement described above, 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 for a gross price for the Improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That 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 7. That the cost of the Improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, and from the fund or subfunds which are credited the loan proceeds received as authorized by this ordinance, Request No. 148030.

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

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

Ord. No. 835-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom for professional services necessary to provide maintenance and technical support of Ellipse software, including other modules.

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 enter into one or more contracts with Mincom for professional services necessary to provide maintenance and technical support of Ellipse software, including other modules, on the basis of its proposal dated February 19, 2004, in the total sum of \$85,000.00, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 54 SF 001, Request No. 137488.

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 Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 836-04.

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 necessary to repair and maintain plate trucks, for the Division of Water Pollution Control, 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 the period of two years of the necessary items of labor and materials necessary to repair and maintain plate trucks, 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 Pollution Control, 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.

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 137487)

Section 3. 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 Utilities 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 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 837-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Laverne Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, 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 rehabilitating and replacing the Laverne Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on 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 after competitive bidding on 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 on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 137486.

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.

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

Ord. No. 838-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 28th Street/Chatham Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, 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 rehabilitating and replacing the West 28th Street/Chatham Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the low-

est responsible bidder or bidders after competitive bidding on 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 after competitive bidding on 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 on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 137482.

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.

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

Ord. No. 839-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 122nd Street area sewer system, which may include but not be limited to installing manholes and catch basins, 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 rehabilitating and replacing the West 122nd Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on 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 after competitive bidding on 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 on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 137483.

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.

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

Ord. No. 840-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 139th Street area sewer system, which may include but not be limited to installing manholes and catch basins, 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 rehabilitating and replacing the West 139th Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on 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 after competitive bidding on 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 on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 137484.

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.

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

Ord. No. 841-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Franklin Avenue/West 25th Street area sewer system, which may include but not be limited to installing manholes and catch basins, 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 rehabilitating and replacing the Franklin Avenue/West 25th Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on 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 after competitive bidding on 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 on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 137485.

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.

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

Ord. No. 842-04.

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 engineering, water quality assessments and analyses, environmental, safety, forensic, and other services needed for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is 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 engineering services; construction inspection services; structural and geotechnical analysis services; permit applications services; materials testing and analysis services; risk assessments services; cost-benefit analysis services; laboratory and monitoring services; environmental and safety consulting services; remediation and disposal services; forensic investigations services; hazardous materials remediation and disposal services; water quality and treatment process assessments and analysis services; and other related professional consulting services needed for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

The selection of the consultants or 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 the Improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231, from the funds and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, and from the fund or subfunds which are credited the loan proceeds received as authorized by this ordinance, Request No. 148048.

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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 843-04.

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

An emergency ordinance to amend Section 3 of Ordinance No. 2329-03, passed February 9, 2004, relating to the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box, casting adjustments, and appurtenances necessary to provide a completed 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 Section 3 of Ordinance No. 2329-03, passed February 9, 2004, is amended to read as follows:

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 166, **13 SF 806**, 14 SF 026, 14 SF 028, 14 SF 029, 10 SF 057, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 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. **(RLs 138369 and 147536)**

Section 2. That Section 3 of Ordinance No. 2329-03, passed February 9, 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.

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

Ord. No. 844-04.

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

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2005 Recycle, Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for 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 Service is authorized to apply for and accept a grant in the approximate amount of \$150,000 from the Ohio Department of Natural Resources, for the 2005 Recycle, Ohio! Program, for the purposes in the summary and according thereto; that the Director of Public Service is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 844-04-A made a part as if fully rewritten, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capita income (MCPCI) of the State of Ohio, payable from Fund No. 01-400307-639905, is approved in all respects.

Section 3. That the Director of Public Service is authorized to enter into an agreement with the Ohio Department of Natural Resources to implement the program.

Section 4. That the Director of Public Service is authorized to enter into one or more contracts with various agencies for the implementation and operation of the program.

Section 5. That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and supplies necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner which 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 a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

The cost of the contracts or contracts shall be charged against the proper appropriation account 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 certified by the Director of Finance.

Section 6. That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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.

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

Ord. No. 845-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of International truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the

necessary items of International truck parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, 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. The Director of Public Service 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 Service 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 130292)

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 Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 846-04.

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

An emergency ordinance authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, relating to the police force, control by Chief, and division into classified and unclassified service.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on November 2, 2004, and 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 actions authorized and directed in this ordinance by this Council and the Clerk of Council are taken under the requirements of Section 200 of the Charter of the City of Cleveland.

Section 2. That this Council authorizes and directs the submission to the electors of the City of Cleveland

at a special election to be held at the usual places of voting of the City of Cleveland on Tuesday, November 2, 2004, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 116 and 126 to read as follows:

§116 Police Force; Control by Chief

The Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police for homeland security and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.
- (f) The secretary to the mayor and one secretary for each director of a department.
- (g) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.
- (h) Students enrolled in a recognized college or university in a course of training in preparation for

an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(i) School crossing guards.

(j) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the ordinary unskilled labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the Commission, the fitness of applicants for which may be determined by non-competitive tests.

(c) The ordinary unskilled labor class shall include all ordinary unskilled labor positions for which it is impractical to give competitive tests. Such positions shall be filled from unskilled labor eligible lists established and maintained by the Commission. The Commission shall register applicants for positions in the labor class either continuously or at such times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of such registration shall determine an applicant's place on the eligible list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission. Eligibility to be called for examination following registration shall expire one year following the date of registration.

The Civil Service Commission shall be the sole authority under the Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified service.

Section 3. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the November 2, 2004, special election, shall become effective immediately on its adoption.

Section 4. That the Clerk of Council is authorized and directed promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 5. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 2, 2004, on the amendments to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 6. That the Clerk of Council is authorized and directed to cause the full text of the proposed amendments to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at

least fifteen days prior to the special election to be held on November 2, 2004, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 7. That the ballot submitting the question of the adoption of the proposal shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Sections 116 and 126 be amended to authorize the Mayor to appoint one Deputy Chief of Police for homeland security purposes for a total of four Deputy Chiefs of Police and to change the number of Commanders of Police included in the unclassified service in Charter Section 126 from eleven to twelve?

Section 8. That, for the reasons stated in the preamble which is made a part hereof, this ordinance shall take effect and be in force immediately on its passage by the affirmative vote of two-thirds of all the members elected to Council.

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

Ord. No. 847-04.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a hot water heater and storage tank, including attachments and accessories at the Zone Recreation Center, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is 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: labor and materials to install a hot water heater and storage tank, including attachments and accessories at the Zone Recreation Center, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 147858.

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, City Planning, Finance.

Ord. No. 848-04.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002; to supplement the ordinance by adding new Sections 2, 3, and 4; and renumbering existing Section 2 to new Section 5; relating to a grant from the Clean Ohio Assistance Fund for the Little Italy Renaissance Redevelopment Project.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Clean Ohio Assistance Fund for the Little Italy Renaissance Redevelopment Project; and authorizing the director to enter into one or more contracts with Coltman Road, LLC to implement the project.

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the amount of \$900,000 from the Clean Ohio Assistance Fund for the Little Italy Renaissance redevelopment Project for the purposes set forth in the application and according thereto; that the Director of Community Development 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.

Section 2. That the existing title and Section 1 of Ordinance No. 1400-02, passed July 17, 2002, are repealed.

Section 3. That Ordinance No. 1400-02, passed July 17, 2002, is supplemented by adding new Sections 2, 3, and 4 to read as follows:

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with Coltman Road, LLC to implement the remediation project described in Section 1 of this ordinance.

Section 3. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

Section 4. That the cost of the contract or contracts authorized shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance.

Section 4. That existing Section 2 of Ordinance No. 1400-02, passed July 17, 2002, is renumbered to "Section 5".

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.

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

Ord. No. 849-04.
By Council Members Polensek, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance declaring the property located at 17300 Lakeshore Boulevard and 1120 East 169th Street blighted premises under Sections 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell the premises to Northeast Shores Development Corporation.

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 the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976, including obtaining the consent of the Councilmembers in whose wards the premises are located, the Director of Community Development has found and determined that Permanent Parcel Nos. 113-25-008, 113-25-009, and 113-25-010, located at 17300 Lakeshore Boulevard, owned by Joseph W. Adornetti and Rosemary Adornetti, and Permanent Parcel No. 113-22-034, located at 1120 East 169th Street, owned by William J. Nagy, are blighted premises, as defined by Section 324.03 of the Codified Ordinances, because the blighted premises have been found to be in violation of the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owners have not responded to a lawful order by the City to take action to eliminate its recurrence within thirty (30) days after due notice thereof.

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

Section 3. That, based on the factors set forth above and compliance with the public notice requirements above, the Council, as required by Sections 324.10 and 324.11 of the Codified Ordinances, finds and determines that the areas described above are blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises are necessary in order to eliminate the blight and prevent its recurrence.

Section 4. That based on the findings and declarations set forth herein, the Director of Community Development is authorized to negotiate the acquisition of the blighted premises from the owners.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described blighted premises from Joseph W. Adornetti and Rosemary Adornetti:

P. P. No. 113-25-008, 113-25-009 & 113-25-010
 17300 Lakeshore Boulevard

Situated in City of Cleveland County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 30 and 31 and a part of

Sub-lots Nos. 29 and 32 in Milton E. Bertram's Boulevard Allotment of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 80 of Maps, Page 1 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Lake Shore Boulevard at the Northwesterly corner of Sub-lot No. 32; thence Easterly along the Southerly line of Lake Shore Boulevard, 220.51 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 96 feet; thence Westerly and parallel with the Southerly line of Lake Shore Boulevard, 1.50 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 18 feet; thence Easterly and parallel with the Southerly line of Lake Shore Boulevard, 1.50 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 46 feet; thence Westerly and parallel with the Southerly line of Sub-lot No. 29, 25.51 feet to the Easterly line of Sub-lot No. 30; thence Southerly along the Easterly line of Sub-lot No. 30, 40 feet to the Southeast corner thereof; thence Westerly along the Southerly line of Sub-lots Nos. 30 and 31, 130 feet to the Southeast corner of Sub-lot No. 32; thence Northerly along the Easterly line of Sub-lot No. 32, 40 feet; thence Westerly and parallel with the Southerly line of Sub-lot 32, 65 feet to the Westerly line of Sub-lot No. 32; thence Northerly along the Westerly line of Sub-lot No. 32, 160 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described blighted premises from William J. Nagy:

P. P. No. 113-22-034
 1120 East 169th Street

Situated in the City of Cleveland in the County of Cuyahoga and State of Ohio, and known as being subplot No. 32 in Moreland Allotment of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 64 of Maps, Page 29 of Cuyahoga County Records, and being 40.07 feet front on the Westerly side of East 169th Street, 150 feet deep on the Northerly line, 150 feet deep on the Southerly line, which is also the Northerly line of Ozark Avenue, N.E. and 39.11 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, relocation, and all other costs necessary for the acquisition of the properties.

Section 8. That the Director of Community Development is authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Northeast

Shores Development Corporation (the "Developer") for the redevelopment or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises.

Section 9. That the consideration to be paid for these properties shall be fair market value, payable from the fund or funds which are appropriated for this purpose.

Section 10. That the Commissioner of Purchases and Supplies is authorized to convey the blighted properties described in this ordinance to the Developer, for fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 11. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 12. That the Mayor, Director of Law and the Director of Community Development are authorized to execute such certifications and documents, and to take other actions as may be necessary or appropriate in connection with the carrying out of the terms of the project agreement, and the activities contemplated by Chapter 324 of the Codified Ordinances.

Section 13. 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, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 850-04.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 54317 with The Pointe At Gateway, LLC, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

Whereas, the current owners of the Pointe at Gateway condominiums, The Pointe At Gateway, LLC, has requested the opportunity to prepay the \$250,000, three percent (3%) interest loan at its net present value determined by discounting by a rate of ten and one-half percent (10.5%) the principal payment due August 1, 2014; and

Whereas, this ordinance allows the Departments of Economic Development and Community Development to use the lump sum repay-

ment for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

Section 1. That the Directors of Economic Development and Community Development are authorized to enter into an amendment to Contract No. 54317 with The Pointe At Gateway, LLC, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

Section 2. That the Directors of Economic Development and Community Development are authorized to accept on behalf of the City, a discounted prepayment from The Pointe At Gateway, LLC to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to ten and one-half percent (10.5%) in full satisfaction of its loan of \$250,000 due August 1, 2014, which loan originally was made to partially finance the conversion of the Finance Building into 42 apartments that were later named the Pointe at Gateway Apartments. That the Directors of Economic Development and Community Development are authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

Section 3. That the amendment authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest, particularly a clause which states that if the Pointe at Gateway, LLC fails to convert the apartments into condominiums prior to June 1, 2006, particularly a clause which states that if the Pointe at Gateway, LLC fails to convert the apartments into condominiums prior to June 1, 2006, an additional payment shall be made by the Pointe At Gateway, LLC to the City of Cleveland. This additional payment will represent the difference between the discounted prepayment amount and that same amount prorated from the date of the loan repayment.

Section 4. That the Directors of Economic Development and Community Development are authorized to release any and all collateral taken to secure repayment of the loan and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

Section 5. That the Directors of Economic Development and Community Development are authorized to deposit the prepayment into Fund No. 17 SF 006.

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 Community Development, Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 851-04.

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

An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 48411 with Jerome H. Schmelzer, Trustee, to accept a discount prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

Whereas, the current owners of the Pointe at Gateway condominiums, Jerome H. Schmelzer, Trustee, has requested the opportunity to prepay the \$250,000, three percent (3%) interest loan at its net present value determined by discounting by a rate of eleven percent (11%) the principal payment due May 1, 2010; and

Whereas, this ordinance allows the Departments of Economic Development and Community Development to use the lump sum repayment for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

Section 1. That the Directors of Economic Development and Community Development are authorized to enter into an amendment to Contract No. 48411 with Jerome H. Schmelzer, Trustee, to accept a discounted prepayment of the UDAG loan regarding the conversion of the Pointe at Gateway apartments into condominiums.

Section 2. That the Directors of Economic Development and Community Development are authorized to accept on behalf of the City, a discounted prepayment from Jerome H. Schmelzer, Trustee to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to eleven percent (11%) in full satisfaction of its loan of \$250,000 due May 1, 2010, which loan was originally made to partially finance the conversion of the Finance Building into 42 apartments that were later named the Pointe at Gateway Apartments. That the Directors of Economic Development and Community Development are authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

Section 3. That the amendment authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems neces-

sary to protect and benefit the public interest, particularly a clause which states that if Jerome H. Schmelzer, Trustee fails to convert the apartments into condominiums prior to June 1, 2006, an additional payment shall be made by Jerome H. Schmelzer, Trustee to the City of Cleveland. This additional payment will represent the difference between the discounted prepayment amount and that same amount prorated from the date of the city loan repayment.

Section 4. That the Directors of Economic Development and Community Development are authorized to release any and all collateral taken to secure repayment of the loan and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

Section 5. That the Directors of Economic Development and Community Development are authorized to deposit the prepayment into Fund No. 17 SF 006.

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 Community Development, Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 852-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Housing Network, Inc., or its designee, for the acquisition, rehabilitation or construction of low income housing units.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Housing Network, Inc., or its designee, for the acquisition, rehabilitation or construction of low income rental or lease-purchase housing units.

Section 2. That the cost of the contracts shall not exceed \$2,000,000.00, and shall be paid from Fund No. 13 SF 983, Request No. 125766.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 853-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

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

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

Section 1. That the Director of Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of the contract or contracts shall not exceed \$120,000.00, and shall be paid from Fund No. 14 SF 030, Request No. 125765.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 854-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 30 Community Development Block Grant Plan as set forth in File No. 66-04-A, under Ordinance No. 66-04, passed March 1, 2004; and

Whereas, in prior Block Grant years, the Council has approved Block Grant Plans; and

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; 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 Community Development, after receiving the approval stated in Section 4 below, is authorized to enter

into or amend contracts with various social service agencies, community development or local development corporations, private for profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,820,000.00 and shall be paid from Fund Nos. 14 SF 028, 14 SF 029 and 14 SF 030.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument exe-

cuted to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter in forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 856-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with WIRE-Net to provide economic development assistance to partially finance a feasibility study, an environmental and market analysis, planning, and other predevelopment costs associated with the redevelopment of the former Midland Steel site at 10615 Madison Avenue.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with WIRE-Net to provide economic development assistance to partially finance a feasibility study, an environmental and market analysis, planning, and other predevelopment costs associated with the redevelopment of the former Midland Steel site at 10615 Madison Avenue.

Section 2. That the costs of the grant shall not exceed Fifteen Thousand Dollars (\$15,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103619.

Section 4. That the Director of Law is authorized to prepare the grant agreement and such other documents as he deems necessary to complete the transaction.

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.

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

Ord. No. 857-04.
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 Criminal Justice Services Agency for the 2005 Team Approach to Violence Against Women Program - Law Enforcement; and to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants 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 \$150,186 from the Criminal Justice Service Agency, to conduct the 2005 Team Approach to Violence Against Women Program - Law Enforcement, for the purposes set forth in the application and according thereto; 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 that said funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 857-04-A, made a part hereof as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$56,062 from Fund Nos. 01-600201-639905, 10 SF 025, and 10 SF 027, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with professional consultants to implement the program as described in the file, payable from the fund or funds to which are credited the grant proceeds and cash match accepted under this ordinance.

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

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

Ord. No. 858-04.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts with QualChoice Inc. for group insurance coverage benefits for City of Cleveland employees.

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

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

Section 1. That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with QualChoice Inc, with terms and conditions similar to existing group medical insurance plans, for group medical insurance with the term of the contracts ending December 31, 2004, or at the start of a new contract term with vendors chosen through the City's Request For Proposal process, whichever is earlier.

Section 2. That the contract shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest.

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 Personnel and Human Resources, Finance, Law; Committees on Employment and Affirmative Action, Finance.

Ord. No. 860-04.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 76th and Hough to Eric Jenkins.

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). 118-09-001, as more fully described below, to Eric Jenkins.

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

P. P. No. 118-09-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in George M. Spangler's Subdivision of part of Original One Hundred Acre Lot Nos. 339 and 342, as shown by the recorded plat in

Volume 25 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 79th Street (formerly East Madison Avenue), with the Southerly line of Hough Avenue, N.E.; (formerly Hough Avenue); thence Southerly along said Westerly line of East 79th Street, 84 feet; thence Westerly on a line parallel to said Southerly line of Hough Avenue, N.E. 130 feet; thence Northerly on a line parallel to said Westerly line of East 79th Street, 84 feet to the Southerly line of Hough Avenue, N.E.; thence Easterly along said Southerly line of Hough Avenue, N.E., 130 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the benefit of a certain easement reserved in a deed from Arthur M. Gordon and wife to Parker Shackelton, dated November 6, 1913, and recorded in Volume 1531, Page 119, of the Records of Deeds of Cuyahoga County, Ohio; but subject to easement for a driveway over the Southerly 14 feet of the premises herein described, reserved in the deed from Arthur M. Gordon to The Amdon Realty and Investment Company, dated March 26, 1915, and recorded in Volume 1656, Page 415 of Cuyahoga County Records.

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. 861-04.**By Council Member White.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 120th Street to John Griffin and Dominion Griffin.

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). 137-15-040, as more fully described below, to John Griffin and Dominion Griffin.

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

P. P. No. 137-15-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in The Corlett and The Revere Land Company's Subdivision of part of Original One Hundred Acre Lot No. 460, as shown by the recorded plat in Volume 59 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 120th Street and extending back between parallel lines 124.95 feet deep, 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. 862-04.**By Council Member Zone.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1820 West 47th Street to Ohio City Near West Development Corporation or designee.

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

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

Whereas, this ordinance 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). 002-36-078, as more fully described below, to Ohio City Near West Development Corporation or designee.

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

P. P. No. 002-36-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Dudley Baldwin's Subdivision of part of Original Brooklyn Township Lot No. 49, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 51 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 30 feet, on the Westerly side of West 47th Street (formerly Root Street) and extends back between parallel lines 124 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

and covenants as are deemed necessary or appropriate.

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

Res. No. 855-04.**By Council Members Reed, Gordon, Cimperman and Jackson (by departmental request).**

An emergency resolution declaring the necessity and intention to appropriate property for the public use of eliminating blight for the property located at 12309 Kinsman Avenue.

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

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

Section 1. That for the public purpose of eliminating blight, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 12309 Kinsman Avenue:

Permanent Parcel No. 130-04-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 82 and 83 in the Crawford-Woodhill Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 445, as shown by The Recorded Plat in Volume 47 of Maps, Page 12 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at a point in the North-easterly line of Kinsman Road, S.E. (66 feet wide) at the Southeastery corner of said Sublot No. 82;

Thence Northwesterly, along said Northeasterly line of Kinsman Road, S.E. 20.51 feet to the principal place of beginning;

Thence continuing Northwesterly along said Northeasterly line of Kinsman Road S.E. about 41.00 feet to a point 13.41 feet Northwesterly from the Southeastery corner of said Sublot No. 83;

Thence Northerly along a line parallel with the Easterly line of said Sublot No. 83, to an angle point therein;

Thence Easterly along a line parallel with the Northerly lines of said Sublot Nos. 83 and 82 and 37 feet Southerly therefrom to a point therein, said point being Westerly 19.64

feet from the Easterly line of said Sublot No. 82;

Thence Southerly, along a line, parallel with the Easterly line of said Sublot No. 82 to the principal place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 863-04.

By Council Member Conwell.

An emergency ordinance amending Section 2 of Ordinance No. 715-04, passed April 26, 2004 as it pertains to the Home Expo Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 715-04, passed April 26, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 715-04, passed April 26, 2004 is hereby repealed.

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

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. 864-04.

By Council Members Britt, Pierce Scott and Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar

Hill, for the period from May 17, 2004 to June 18, 2004, inclusive, publicizing Parade the Circle Celebration.

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 University Circle Incorporated to install, maintain and remove banners on Martin Luther King, Jr., Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill, for the period from May 17, 2004 to June 18, 2004, 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. 865-04.

By Council Member Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 12, 2004 to August 9, 2004, inclusive, publicizing the East 185th Street Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Northeast Shores Development Corporation to install, maintain and remove four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 12, 2004 to August 9, 2004, 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.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 859-04.

By Council Member Cimperman.

An emergency resolution objecting to a New C1 Liquor Permit at 1672 Center Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at John W. Hickey, DBA C B Take Out, 1672 Center Street, Cleveland, Ohio, 44113, Permanent Number 38219180005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at John W. Hickey, DBA C B Take Out, 1672 Center

Street, Cleveland, Ohio 44113, Permanent Number 38219180005 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 866-04.

By Council Member O'Malley.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 6501 Denison Avenue and repealing Resolution No. 2464-03, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 6501 Denison Avenue by Resolution No. 2464-03 adopted by the Council on December 15, 2003; 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 Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3571080, be and the same is hereby withdrawn and Resolution No. 2464-03, 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.

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

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

Res. No. 867-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3600 East 116th Street and repealing Resolution No. 1345-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3600

East 116th Street by Resolution No. 1345-03 adopted by the Council on July 16, 2003; 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 Tuz, Inc., 3600 East 116th Street, Cleveland, Ohio 44105, Permanent Number 9115172 be and the same is hereby withdrawn and Resolution No. 1345-03, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 868-04.

By Council Members Coats, Jackson, Brady, Britt, Cintron, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.

An emergency resolution supporting the Hagel-Harkin Amendment to the Individuals with Disabilities Education Act (IDEA), which would provide an additional, mandatory \$2 billion per year to the IDEA.

Whereas, the Individuals with Disabilities Education Act (IDEA) was passed by the United States Congress in 1975; and

Whereas, the IDEA guarantees disabled students a free and public education in the least restrictive environment possible; and

Whereas, the IDEA authorized the federal government to pay for 40% of the costs school districts spend to educate a disabled student; and

Whereas, however, Congress has never appropriated the full 40%; and

Whereas, President Bush's FY 2005 education budget proposes a \$1 billion increase in IDEA funding, which would bring the total funding to IDEA to \$11.7 billion; and

Whereas, this increase would provide 19.7% of the national average per pupil expenditure, which is still only half of the "full funding" level that Congress committed to paying when the IDEA passed in 1975; and

Whereas, funding for special education affects all students, not just those with disabilities because in order to make up for the federal funding shortfall, many schools are forced to take money from their general education budgets to provide for services within their IDEA budget, which they are obligated to provide by law; and

Whereas, although President Bush has increased funding for IDEA in the past several years, the annual increase of \$1 billion a year will not reach the promised level of 40% until 2035; and

Whereas, local governments cannot afford to wait that long for funding; and

Whereas, the Hagel-Harkin Amendment to the IDEA, which will be introduced this week to the U.S. Senate, will provide \$2 billion per year in mandatory funding to IDEA in addition to the amount appropriated by Congress; 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 supports the Hagel-Harkin Amendment to the Individuals with Disabilities Education Act (IDEA) which would provide an additional, mandatory \$2 billion per year to the IDEA.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all appropriate members of United States Congress and the appropriate representatives of the National League of Cities.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2404-03.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Oh, 1976, by enacting new Sections 3116.01, 3116.02, 3116.03, 3116.04, 3116.05, 3116.06, 3116.07, 3116.08, 3116.09, 3116.10, 3116.11, and 3116.12 relating to construction and post-construction site runoff control to municipal separate storm sewer system.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In Section 1, in new Section 3116.01(a), line 1, strike "the issuance of".

2. In Section 1, in new Section 3116.03, line 2, strike "It shall be" and insert "(a) It shall be"; and in line 3, after "Director," insert a new division (b) to read as follows: "(b) It shall be unlawful for any permittee to fail to comply with their permit."

3. In Section 1, in new Section 3116.04(b)(1), strike "(1)" in its entirety and insert "(1) The permit application fee";

4. In Section 1, in new Section 3116.06(a)(3), line 2, strike "Section 3107.16" and insert "Chapter 3107";

5. In Section 1, in new Section 3116.08, line 3, strike "for the following cases" and insert "in the following cases"; in line 4, strike "has revealed" and insert "reveals"; in line 8, strike "carried out, if the per-

son" and insert "**carried out, and the person**"; and strike lines 9 and 10 in their entirety and insert "**with the requirements of this chapter**."

6. In Section 1, in new Section 3116.09(a), line 7, strike "commission shall" and insert "**Director shall**"; in (b), line 2, strike "responsible from" and insert "**responsible for**".

Amendments agreed to.

Pursuant to Rule 19 of the Rules of Council, Council Member Rybka elected to recuse himself from the vote regarding Ordinance No. 2404-03. He further requested that the City Record reflect his recusal.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 2437-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a loan from the Cuyahoga County Brownfield Redevelopment Fund to partially finance the acquisition, redevelopment, and environmental remediation of property located at 3781 East 77th Street; authorizing the Commissioner of Purchases and Supplies to purchase the property; authorizing the Director to enter into a contract with General Investment Funds Real Estate Holding Company to provide economic development assistance to partially finance the acquisition, redevelopment, and environmental remediation of the property located at 3781 East 77th Street and all other associated costs to redevelop the property; and authorizing the Commissioner of Purchases and Supplies to convey the property to General Investment Funds Real Estate Holding Company.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 323-04.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to partially finance the Nottingham Flocculation/Sedimentation/Residuals Project; determining the method of making the public improvement of constructing the improvements; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, line 4, and in Section 1, line 3, strike "partially finance" and insert "**provide funding for**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. 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. 324-04.

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

An emergency ordinance determining the method of making the public improvement of replacing the Denison Avenue water main; and authorizing the Director of Public Utilities to enter into one or more contracts for the making of the public improvement.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, line 4, strike "and"; and at the end, strike the period and insert "**and authorizing the director to accept rights of entry from private property owners**".

2. Add new Sections 5, 6, and 7 to read as follows:

"Section 5. The Director of Public Utilities is authorized to accept rights of entry from private property owners where access to private property is necessary to install pressure regulating devices at individual residences.

Section 6. That the rights of entry shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the City's interests.

Section 7. That the work authorized by this ordinance may include installation of pressure regulating devices at individual residences in the Denison area served by the Denison Avenue water main.

3. Renumber existing Section 5 to new "**Section 8**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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. 325-04.

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

An emergency ordinance to amend Sections 571.01 and 571.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to definitions and identification badges.

Approved by Directors of Port Control, Finance, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 326-04.

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 571.062 relating to fingerprinting.

Approved by Directors of Port Control, Finance, Law; Relieved of Committee on Legislation; Passage

recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 352-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 47th Street to Palsa Development, Inc.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 534-04.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Buckeye Area Development Corporation.

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

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

Ord. No. 535-04.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 115th Street to Dimitri Salivaras.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 625-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for youth activities.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 626-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 690-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 699-04.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of hardware, software, training, and other items that are necessary to operate an electronic booking system, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 706-04.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 779-04.

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

An emergency ordinance to amend Section 12 and Section 13 of Ordinance No. 2144-03, passed January 5, 2004; and to amend Section 1 and Section 6 of Ordinance No. 69-04, passed January 12, 2004, relating to improvements at the facility located at 205 St. Clair Avenue.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance; when amended as follows:

1. In Section 1, in amended Section 12, lines 7 and 8, and in Section 3, in amended Section 6, lines 5, 6 and 7, delete "and from any other fund or funds that may become available that are appropriated for use for this purpose."

2. In Section 1, in amended Section 12, line 6, after "purpose," insert "and".

3. In Section 1, at the end of amended Section 12, insert the fol-

lowing new sentences: "**The contribution of the Division of Water for the cost of Phase I work shall not exceed \$960,300. The total project cost shall not exceed the amounts identified in the funds listed above.**"

4. In Section 3, at the end of amended Section 6, insert the following new sentence: "**The contribution of the Division of Water for the cost of Phase I work shall not exceed \$960,300.**"

5. In Section 3, in amended Section 1, lines 2 and 3, delete "in an approximate total sum of \$6,250,000.00, for" and insert "**in the total sum of not to exceed \$6,250,000.00 for completion of all Phase I work, consisting of**".

Amendments agreed to.

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

MOTION

By Council Member Cimperman seconded by Council Member White and unanimously carried that the absence of Council Members Merle R. Gordon and Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:57 p.m. to meet on Monday, May 17, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 5, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 5, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Absent: Director Carroll.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 246-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Craun-Liebing Company for an estimated quantity of labor and materials necessary to repair and maintain pump stations (all items) for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the execution of a contract, received on the 3rd day of March, 2004, pursuant to the authority of Ordinance No. 2139-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to Eighty Thousand and 00/100 Dollars (\$80,000.00) (0%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter in requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 137489

which shall be certified against such contract in the sum of Forty Thousand and 00/100 Dollars (\$40,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 247-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hooks Concrete Corporation for tree lawn repair at various water works facilities (Area A 1-11 and Area B 12-22) for the Divisions of Water and Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 10th day of March, 2004, pursuant to the authority of Ordinance No. 1153-03, passed August 13, 2003, which on the basis of the estimated quantity would amount to Two Hundred Twenty Four Thousand Eight Hundred Sixty Eight Dollars and 50 Cents (\$224,868.50) (0% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148133

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

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

rately certified against said contract.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Director Carroll.

Resolution No. 248-04.

By Director Mok.

Whereas, under Ordinance No. 127-02, passed by Cleveland City Council on April 22, 2002, and Board of Control Resolution No. 638-02, adopted September 25, 2002, as amended by Resolution No. 694-02, adopted October 23, 2002, the City, through its Director of Port Control, entered into City Contract No. 60281 with Mid-American Security Service, Inc. ("Mid-American") for unarmed security guard services for the various divisions of Port Control; and

Whereas, by April 12, 2004 letter Mid-American requested the City's consent to assign all of Mid-American's obligations and interests under City Contract No. 60281 to Tenable Protective Services, Inc. ("Tenable"); and

Whereas, Tenable proposes to undertake all of Mid-American's obligations under City Contract No. 60281 without waiving any of Mid-America's obligations or the City's rights under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request by Mid-America by the April 12, 2004 letter, this Board consents to the assignment of City Contract No. 60281 for unarmed security guard services to Tenable Protective Services, Inc. effective May 1, 2004.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consent authorized, provided that the terms of such assignment do not conflict with the terms and conditions of City Contract No. 60281. A copy of the consent to assignment of City Contract No. 60281 shall be filed in the office of the Commissioner of Accounts.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 249-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 164-96, passed by Cleveland City Council on May 20, 1996, the City of Cleveland entered into a Lease By Way of Concession ("Lease") with Host International, Inc. ("Host"), City Contract No. 42575, for Host's use of certain City-owned property in the passenger terminal building at Cleveland Hopkins International Airport ("Terminal"); and

Whereas, pursuant to Article II of said Lease Host desires to sublease part of its leased premises in the Terminal to Scoop Shops of Ohio XV, Inc. d/b/a Ben & Jerry's ("Scoop Shops"); and

Whereas, subleasing of said premises to Scoop Shops shall not constitute a release or waiver of any

of Host's obligations under City Contract No. 42575; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the terms of the Lease, this Board does hereby approve the request of Host to enter into a sublease with Scoop Shops for Scoop Shop's exclusive use of approximately 500 square feet of space at the former Continental Gate C-1 on Concourse C of the Terminal, commencing October 28, 2003 and ending January 16, 2009 or the termination of the Lease, whichever is earlier, provided that the terms of such sublease shall not be in conflict with the terms of City Contract No. 42575.

Be it further resolved that the Director of Port Control is authorized to complete and execute any documents necessary and appropriate to effect the consent to the sublease hereby approved, which documents shall contain such additional terms and conditions as the Director shall deem necessary to protect the City's interests.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 250-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 164-96, passed by Cleveland City Council on May 20, 1996, the City of Cleveland entered into a Lease By Way of Concession ("Lease") with Host International, Inc. ("Host"), City Contract No. 42575, for Host's use of certain City-owned property in the passenger terminal building at Cleveland Hopkins International Airport ("Terminal"); and

Whereas, pursuant to Article II of said Lease Host desires to sublease part of its leased premises in the Terminal to Erwin Pearl Retail, Inc. ("Erwin Pearl"); and

Whereas, subleasing of said premises to Erwin Pearl shall not constitute a release or waiver of any of Host's obligations under City Contract No. 42575; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the terms of the Lease, this Board does hereby approve the request of Host to enter into a sublease with Erwin Pearl for Erwin Pearl's exclusive use of approximately 904 square feet of space in the retail mall area of the Terminal, commencing July 16, 2003 and ending August 31, 2007 or the termination of the Lease, whichever is earlier, provided that the terms of such sublease shall not be in conflict with the terms of City Contract No. 42575.

Be it further resolved that the Director of Port Control is authorized to complete and execute any documents necessary and appropriate to effect the consent to the sublease hereby approved, which documents shall contain such additional terms and conditions as the Director shall deem necessary to protect the City's interests.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 251-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 164-96, passed by Cleveland City Council on May 20, 1996, the City of Cleveland entered into a Lease By Way of Concession ("Lease") with Host International, Inc. ("Host"), City Contract No. 42575, for Host's use of certain City-owned property in the passenger terminal building at Cleveland Hopkins International Airport ("Terminal"); and

Whereas, pursuant to Article II of said Lease Host desires to sublease part of its leased premises in the Terminal to Brookstone Properties, Inc. ("Brookstone"); and

Whereas, subleasing of said premises to Brookstone shall not constitute a release or waiver of any of Host's obligations under City Contract No. 42575; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the terms of the Lease, this Board does hereby approve the request of Host to enter into a sublease with Brookstone for Brookstone's exclusive use of approximately 1,179 square feet of space in the retail mall area of the Terminal, commencing November 7, 2003 and ending August 31, 2007 or the termination of the Lease, whichever is earlier, provided that the terms of such sublease shall not be in conflict with the terms of City Contract No. 42575.

Be it further resolved that the Director of Port Control is authorized to complete and execute any documents necessary and appropriate to effect the consent to the sublease hereby approved, which documents shall contain such additional terms and conditions as the Director shall deem necessary to protect the City's interests.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 252-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform, Inc., for work uniforms, Item Nos. 18, 19, 24, 26 and 74, for the various divisions of the Department of Port Control, for a period of one year, with an option to renew for one additional year, beginning with the date of execution of a contract, received on the 4th of February, 2004, pursuant to the authority of Ordinance No. 1688-03, passed October 13, 2003, which on the basis of the estimated quantity would amount to Four Thousand Four Hundred Sixty-Two and 00/100 Dollars (\$4,462.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby 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. 139822

which shall be certified against such contract in the sum of Two

Thousand and 00/100 Dollars (\$2,000.00).

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell and Director Carroll.

Resolution No. 253-04.

By Director Mok.

Resolved, by Board of Control of the City of Cleveland that the bid of B. P. Britches, Inc. d/b/a Christopher's, for work uniforms, Item Nos. 1 through 5, 7 through 11, 13 through 15, 17, 23, 29 through 47, 50 through 57, 67, 73, 75, 77 through 79 and 81 through 92, for the various divisions of the Department of Port Control, for a period of one year, with an option to renew for one additional year, beginning with the date of execution of a contract, received on the 4th of February, 2004, pursuant to the authority of Ordinance No. 1688-03, passed October 13, 2003, which on the basis of the estimated quantity would amount to One Hundred Nine Thousand Four Hundred Twenty-Six and 70/100 Dollars (\$109,426.70), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby 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. 139821 which shall be certified against such contract in the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00).

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell and Director Carroll.

Resolution No. 254-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation, for work uniforms, Item Nos. 6, 12, 16, 20 through 22, 25, 27, 28, 71 and 76, for the various divisions of the Department of Port Control, for a period of one year, with an option to renew for one additional year, beginning with the date of execution of a contract, received on the 4th of February, 2004, pursuant to

the authority of Ordinance No. 1688-03, passed October 13, 2003, which on the basis of the estimated quantity would amount to Nine Thousand Four Hundred Sixty-Two and 50/100 Dollars (\$9,462.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby 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. 139819 which shall be certified against such contract in the sum of Nine Thousand and 00/100 Dollars (\$9,000.00).

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell and Director Carroll.

Resolution No. 255-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation, for work uniforms, Item Nos. 48, 49, 58, 59, 60 through 66, 68 through 70 and 72, for the various divisions of the Department of Port Control, for a period of one year, with an option to renew for one additional year, beginning with the date of execution of a contract, received on the 4th of February, 2004, pursuant to the authority of Ordinance No. 1688-03, passed October 13, 2003, which on the basis of the estimated quantity would amount to Twenty Thousand Two Hundred Forty-Two and 50/100 Dollars (\$20,242.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby 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. 139820 which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell and Director Carroll.

Resolution No. 256-04.

By Director Ricchiuto.

Whereas, under the authority of Ordinance No. 838-02, passed by the Council of the City of Cleveland on June 10, 2002, and Resolution No. 279-03 adopted by this Board on May 14, 2003, the City, through its Director of Public Service entered into City Contract No. 61698 with Osborn Engineering Company ("Engineer"), to provide the professional services necessary for building improvements at various Department of Public Safety facilities; and

Whereas, the City has requested additional engineering design items for the sixth floor Justice Center expansion, which include the services of a correctional facilities specialist, therefore, adding to the original scope of services; and

Whereas, Engineer proposed by its December 6, 2002 letter, as modified by its letter April 28, 2004, to perform such additional services; and

Whereas, the City finds Engineer's proposal acceptable and desires to modify the agreement with the Engineer on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Service hereby is authorized to enter into a first modification to City Contract No. 61698 with Osborn Engineering Company, on the basis of Engineer's December 6, 2003 letter, as modified by its letter dated April 28, 2004, for the aforementioned additional engineering services and increasing the fees for all services by Nine Thousand Nine Hundred Ninety Five and No/100 Dollars (\$9,995.00) to a total of Fifty Nine Thousand Eight Hundred Ninety Five and No/100 Dollars (\$59,895.00).

Be it further resolved, that all other terms and provisions of City Contract No. 61698 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell and Director Carroll.

Resolution No. 257-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Midwest Industrial Supply Company for an estimated quantity of Emulsion & Equipment Service Management, all Items, for the Division of Streets, Department of Public Service, for the period of One (1) year beginning with the execution of a contract, received on April 7, 2004, pursuant to the authority of Ordinance No. 763-02 passed June 3, 2002, which on the basis of the estimated quantity would amount to Ninety Two Thousand Four Hundred Fifty Seven and 50/100 Dollars (\$92,457.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the

initial amount of such contract of the following:

Requisition No. 139533

which shall be certified against such contract in the sum of Thirty-One Thousand Seven Hundred Ninety Four and 50/100 Dollars (\$31,794.50).

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Carroll.

Resolution No. 258-04.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service Company for an estimated quantity of Food and Paper Products for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract, received on the 4th day of March, 2004, pursuant to the authority of Ordinance No. 2092-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to Ninety Thousand and 00/100 Dollars (\$90,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136789

which shall be certified against such contract in the sum of Twenty Four Thousand and 00/100 Dollars (\$24,000.00), and

Requisition No. 136790

which shall be certified against such contract in the sum of Fourteen Thousand and 00/100 Dollars (\$14,000.00).

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

Yeas: Mayor Campbell, Directors Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Chandra and Carroll.

Resolution No. 259-04.

By Director Ronayne.

Whereas, under the authority of Ordinance Nos. 304-96, passed by the Council of the City of Cleveland on

March 8, 1996, and Resolution No. 214-00 adopted by this Board on March 29, 2000, the City, through its Director of Parks, Recreation, and Properties entered into City Contract No. 56145 with Greyhawk North America, L.L.C., ("Consultant"), to provide the professional services for the new Cleveland Browns NFL Stadium; and

Whereas, the City requested additional consultant services required for the inspection of glass railing replacement; and

Whereas, Consultant proposed by its March 21, 2000 letter, as modified by its letter dated March 4, 2004, to perform such additional services; and

Whereas, the City finds the Consultant's proposal acceptable and desires to modify the agreement with the Consultant on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Parks, Recreation, and Properties hereby is authorized to enter into a first modification to City Contract No. 56145 with Greyhawk North America, L.L.C., on the basis of Consultant's March 21, 2000 letter, as modified by its letter dated March 4, 2004, for the aforementioned additional consulting services and increasing the fees for all services by Six Thousand Eight Hundred Eighty One and 95/100 Dollars (\$6,881.95) to a total of Two Hundred Fifty Six Thousand Eight Hundred Eighty One and 95/100 Dollars (\$256,881.95).

Be it further resolved, that all other terms and provisions of City Contract No. 56145 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 260-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 015-04-100 (Westerly half) located at Carlyle Avenue in Ward 14; and

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

Whereas, Joseph Palazzo, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Joseph Palazzo for the sale and development of Permanent Parcel No. 015-04-100 (Westerly half) located at Carlyle Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 261-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 015-04-100 (Easterly half) located at Carlyle Avenue in Ward 14; and

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

Whereas, Lawrence N. Boehm, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the

City of Cleveland, with Lawrence N. Boehm, Jr. for the sale and development of Permanent Parcel No. 015-04-100 (Easterly half) located at Carlyle Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 262-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 008-13-031 and 008-14-079 located at Holmden Avenue in Ward 13; and

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

Whereas, Janice Ellen Bourell and Scott James Casey, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

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

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Janice Ellen Bourell and Scott James Casey for the sale and development of Permanent Parcel Nos. 008-13-031 and 008-14-079 located at Holmden Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 263-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 121-18-143 under said Land Reutilization Program; and

Whereas, Ordinance No. 213-04 passed April 19, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of the City of Cleveland that pursuant to the authorization of Ordinance No. 213-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel No. 121-18-143, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 264-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 106-14-104 under said Land Reutilization Program; and

Whereas, Ordinance No. 2362-03 passed April 19, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Tamara D. McCrimon has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2362-03 passed April 19, 2004, by the Cleveland City Council,

the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Tamara D. McCrimon for the sale and development of Permanent Parcel No. 106-14-104, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 265-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 109-09-138 under said Land Reutilization Program; and

Whereas, Ordinance No. 341-04 passed April 19, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Maher J. Ali has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 341-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Maher J. Ali for the sale and development of Permanent Parcel No. 109-09-138, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$3,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 266-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 118-09-105 under said Land Reutilization Program; and

Whereas, Ordinance No. 774-03 passed April 19, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Steven Broadnax Karla Broadnax have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 774-03 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Steven Broadnax Karla Broadnax for the sale and development of Permanent Parcel No. 118-09-105, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 267-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 118-22-065 under said Land Reutilization Program; and

Whereas, Ordinance No. 2456-03 passed April 19, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Nigel Chung has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2456-03 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Nigel Chung for the sale and development of Permanent Parcel No. 118-22-065, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$2,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director

Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 268-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 124-03-049 and 124-03-050 under said Land Reutilization Program; and

Whereas, Ordinance No. 2156-03 passed March 29, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Maurie L. Nunn has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2156-03 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Maurie L. Nunn for the sale and development of Permanent Parcel Nos. 124-03-049 and 124-03-050, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 269-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 106-20-077, 106-20-078 and 106-20-079 under said Land Reutilization Program; and

Whereas, Ordinance No. 5-04 passed April 19, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Clifford Pitts, Jr. and Dorothy Pitts have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 5-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Clifford Pitts, Jr. and Dorothy Pitts for the sale and development of Per-

manent Parcel Nos. 106-20-077, 106-20-078 and 106-20-079, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 270-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 126-37-051, 126-37-052, 126-37-053, and 126-37-054 under said Land Reutilization Program; and

Whereas, Ordinance No. 266-04 passed April 19, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Olive Grove Missionary Baptist Church has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 266-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Olive Grove Missionary Baptist Church for the sale and development of Permanent Parcel Nos. 126-37-051, 126-37-052, 126-37-053, and 126-37-054, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Carroll.

Resolution No. 271-04.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No(s). 109-10-102, 109-10-108, 109-10-118, 109-10-119, 109-10-

120, 109-10-122, 109-10-125, 109-10-133, 109-10-156, 109-10-173, 109-10-174 under said Land Reutilization Program; and

Whereas, Ordinance No. 110-04 passed April 19, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Glenville Development Corporation or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 110-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Glenville Development Corporation or designee for the sale and development of Permanent Parcel No(s), 109-10-102, 109-10-108, 109-10-118, 109-10-119, 109-10-120, 109-10-122, 109-10-125, 109-10-133, 109-10-156, 109-10-173, 109-10-174, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell, Director Carroll.

Resolution No. 272-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 103-24-029, 103-25-031, 103-25-032, 103-25-033, 103-31-101, 118-22-095, 118-22-096, 118-22-097, 118-29-022, 118-29-084, 118-29-095, and 118-29-114 under said Land Reutilization Program; and

Whereas, Ordinance No. 265-04 passed April 19, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 265-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 103-24-029, 103-25-031, 103-25-032, 103-25-033, 103-31-101, 118-22-095, 118-22-096, 118-22-097, 118-29-022, 118-29-084, 118-29-095, and 118-29-114, as described in said Ordinance in accordance with the Land

Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell, Director Carroll.

Resolution No. 273-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 124-02-002, 124-02-003, 124-02-004, 124-02-006, 124-02-007, 124-02-008, 124-02-009, 124-02-010, 124-02-011, 124-02-026, 124-02-027, 124-02-028, 124-02-030, 124-02-031, 124-02-032, 124-02-034, 124-02-035, 124-02-036, 124-02-038, 124-02-040, 124-02-041, 124-02-042, 124-02-043, 124-02-045, 124-02-046, 124-02-047, 124-02-050, 124-02-051, 124-02-053, 124-02-054, 124-02-055, 124-02-056, 124-02-057, 124-02-058, 124-02-059, 124-02-062, 124-02-069, 124-02-070, 124-02-071, 124-02-073, 124-02-074, 124-02-075, 124-02-076, 124-02-077, 124-02-080, 124-02-081, 124-02-082, 124-02-083, 124-02-084, 124-02-085, 124-02-086, 124-02-087, 124-02-088, 124-02-089, 124-02-090, 124-02-091, 124-02-092, 124-02-093, 124-02-096, 124-02-097, 124-02-098, 124-02-101, 124-02-103, 124-02-104 under said Land Reutilization Program; and

Whereas Ordinance No. 339-04 passed April 19, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 339-04 passed April 19, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel Nos. 124-02-002, 124-02-003, 124-02-004, 124-02-006, 124-02-007, 124-02-008, 124-02-009, 124-02-010, 124-02-011, 124-02-026, 124-02-027, 124-02-028, 124-02-030, 124-02-031, 124-02-032, 124-02-034, 124-02-035, 124-02-036, 124-02-038, 124-02-040, 124-02-041, 124-02-042, 124-02-043, 124-02-045, 124-02-046, 124-02-047, 124-02-050, 124-02-051, 124-02-053, 124-02-054, 124-02-055, 124-02-056, 124-02-057, 124-02-058, 124-02-059, 124-02-062, 124-02-069, 124-02-070, 124-02-071, 124-02-073, 124-02-074, 124-02-075, 124-02-076, 124-02-077, 124-02-080, 124-02-081, 124-02-082, 124-02-083, 124-02-084, 124-02-085, 124-02-086, 124-02-087, 124-02-088, 124-02-089, 124-02-090, 124-02-091, 124-02-092, 124-02-093, 124-02-096, 124-02-097, 124-02-098, 124-02-101, 124-02-103, 124-02-104, as described in said Ordinance in accordance with the Land Reutilization

Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell, Director Carroll.

Resolution No. 274-04.

By Director Ricchiuto.

Whereas, Board of Control Resolution No. 533-02, adopted August 14, 2002, under the authority of Ordinance No. 1031-01 passed by the Council of the City of Cleveland on June 19, 2001, approved a public improvement contract with Blaze Construction for reconstruction of Central Avenue between E. 22nd Street and E. 55th Street, in the amount of \$3,924,653.55; and

Whereas by its September 12, 2003 letter, Blaze Construction informed the City it desires to revise the amount of certain subcontracts approved by Resolution No. 533-02, and to obtain approval for additional subcontracts; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the amount of the following subcontracts for the above mentioned contract approved by Resolution No. 533-02, adopted by this Board of Control on August 14, 2002, is revised as follows:

Granger Trucking Inc.
(MBE) — \$51,000.00 — (1.30%)

Collinwood Shale, Brick & Supply Co.
(FBE) — \$110,000.00 — (2.80%)

Interstate Safety & Service Co., Inc.
(FBE) — \$11,000.00 — (0.28%)

Be it further resolved by the Board of Control of the City of Cleveland, that the employment of the following subcontracts by Blaze Construction under Contract No. 60038 is approved:

McTech Corp./Tech Ready Mix
(MBE) — \$442,000.00 — (11.26%)

Cuyahoga Supply & Tool, Inc.
(FBE) — \$84,000.00 — (2.14%)

North Electric
(MBE) — \$267,000.00 — (6.80%)

Concrete Cutting
\$5,000.00 — (0.13%)

GEO-SCI
\$24,000.00 — (0.61%)

Osterland Co.
\$205,000.00 — (5.22%)

Pavement Technology
\$17,252.00 — (0.44%)

Dean Pyramid Electric
\$148,798.00 — (3.79%)

Trafftech, Inc.
\$55,376.00 — (1.41%)

Berea Trucking
\$50,000.00 — (1.27%)

Yeas: Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: Mayor Campbell, Director Carroll.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 24, 2004

9:30 A.M.

Calendar No. 04-94: 4670 Grayton Road (Ward 20)

Buckeye Education, an affiliate of the Christian Meeting Corporation, owner, c/o Bruce Carmichael, appeal to establish use of a 24' x 60' modular classroom building as a school, situated on an irregular triangle shaped parcel in a One-Family District on the west side of Grayton Road at 4670 Grayton Road; contrary to Section 337.02(f)(3) of the Regulations for Residential Districts, a distance of 5' is provided where a school building and uses are required to be 30' from an adjoining premises in a Residential District not used for a similar purpose; and contrary to the Requirements for Off-Street Parking and Loading, there is no parking detail provided to show striped parking spaces, dimensions and aisles where six spaces are required as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 04-95: 3782 East 116th Street (Ward 2)

Joseph Nadar, owner, and Walter Goddard, prospective purchaser, appeal to establish use as a car wash and a used car sales lot an existing one-story masonry building situated on a 46' x 150' parcel in a Local Retail Business District on the northwest corner of East 116th Street and Corlett Avenue at 3782 East 116th Street; contrary to Section 343.01 of the Regulations for Business Districts, where a car wash and used car sales are not permitted in a Local Retail Business District but first permitted in a General Retail Business District and under the provisions of Section 343.11(b)(2)(I)(2), a car wash is required to be a distance of 100' from an abutting Residence District and the proposed use abuts a Two-Family District at the rear of the lot; and contrary to Specific Uses Regulated, a lot width of 46.08' is provided where a used car sales lot must have a minimum lot width of 60' and in Section 349.04(f) of the Off-Street Parking and Loading Requirements, 25% of the gross lot area is required for off-street parking and none is proposed; and contrary to Section 352.10 of the Landscaping and Screening Requirements, no frontage landscaping is proposed along East 116th Street nor Corlett Avenue and a 4' wide frontage landscaping strip is required and a 10' landscaping strip with 75% year-round opacity is required between the site where the uses are proposed and the abutting Two-Family District as stated in Section 352.12 of the Codified Ordinances.

Calendar No. 04-96: 3807 East 93rd Street (Ward 2)

Walter Goddard, owner, appeals to change the use of an existing service station to a car wash and a used car sales lot, situated on a 47' x 165' parcel in a General Retail Business District on the northeast corner of East 93rd Street and Reno Avenue at 3807 East 93rd Street; contrary to Section 343.11(b)(2)(I)(2) of the Regulations for Business Districts, a 100' distance is required from a Residential District and the proposed abuts a Two-Family District at the rear of the lot and under Section 343.11(2)(b)(I)(4), a used car lot must maintain a 1 1/2' barrier at the setback line, behind which all vehicles, advertising and parking must be kept and no barrier is proposed; and contrary to Section 347.11(a) of the Specific Uses Regulated, a lot width of 47' is provided where a used car sales lot must have a minimum lot width of 60' and under Section 349.04(f) of the Off-Street Parking and Loading Requirements, 25% of the gross lot area is required for off-street parking and none is proposed; and contrary to Section 352.10 of the Landscaping and Screening Requirements, there is no frontage landscaping strip where the lot abuts the street and a 4' wide landscape strip is required and a 10' wide landscaping strip is required where the lot abuts the Residential District as stated in Section 352.09 of the Codified Ordinances.

Calendar No. 04-97: 3347 East 93rd Street (Ward 2)

Mazhar Kahn, owner, appeals to erect a one-story, masonry retail stores building on a 42' x 138' parcel in a Local Retail Business District, located on the southeast corner of East 93rd Street and Bessemer Avenue at 3347 East 93rd Street; contrary to Section 357.04(a) of the Specific Uses Regulated, a required front yard setback along East 93rd Street must be 15% of the lot depth or 19.7' and in Section 357.14(a)(1) parking of motor vehicles in the East 93rd Street front setback is prohibited; and an 8' wide landscaping transition strip, with 75% year-round opacity, is required along the eastern perimeter to separate the Local Retail Business District and the Two-Family District as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 04-99: 1259 East 101st Street (Ward 8)

Horizon Construction c/o Bill Hahn, owner, appeals to erect a 50' x 40' two-story single family dwelling with an attached garage on a 58' x 132' parcel in a Multi-Family District on the northwest corner of East 101st Street and Superior Avenue at 1259 East 101st Street; contrary to Section 357.09(b)(2)A of the Regulations for Yards and Courts, there is a distance of 9' provided from a main building on an adjoining lot and 10' is required; and there is 8' provided where an aggregate width of interior side yards on the same premises may not be less than 10' and a second floor window encroaches by 2' into the required 3' side yard contrary to Section 357.09(b)(2)B of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 10, 2004

At the meeting of the Board of Zoning Appeals on Monday, May 10, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-67: 5500 Courtland Court - Unit 1

Denison Homes appealed to construct a three-story, one family townhouse on a 2,238 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-68: 5500 Courtland Court - Unit 2

Denison Homes appealed to construct a three-story, one family townhouse on a 1,736 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-69: 5500 Courtland Court - Unit 3

Denison Homes appealed to construct a three-story, one family townhouse on a 1,736 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-70: 5500 Courtland Court - Unit 4

Denison Homes appealed to construct a three-story, one family townhouse on a 1,752 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-71: 5500 Courtland Court - Unit 5

Denison Homes appealed to construct a three-story, one family townhouse on a 1,722 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-72: 5500 Courtland Court - Unit 6

Denison Homes appealed to construct a three-story, one family townhouse on a 1,882 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-73: 5500 Courtland Court - Unit 7

Denison Homes appealed to construct a three-story, one family townhouse on a 1,918 s/f portion of an approximate 194' x 100' parcel in a Two-Family District.

Calendar No. 04-84: 2708 Barber Avenue

William Rey appealed to erect a 24' x 30' one-story frame garage addition to the west side of a two-story dwelling in a Semi-Industry District.

Calendar No. 04-85: 4925 State Road

The Russian Orthodox Benevolent Brotherhood of Father John Kronstadtsky appealed to install 1,480 l/f of fence with 6' high chain link fence along the northern and eastern perimeter and a 6' high board on board privacy fence along the southerly perimeter of an acreage parcel in Semi-Industry and General Industry Districts; subject to conditions.

Calendar No. 04-86: 2990 West 12th Street

Jeffrey Rutushin appealed to change a two family dwelling to a three family dwelling in a Two-Family District.

Calendar No. 04-87: 4087 East 81st Street

Anthony Glinski appealed to install a 4' high chain link fence along the front yard setback of a vacant parcel at the north side of a one family dwelling in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 04-75: 2118 Broadview Road

Hikmat and Jan Dakdouk appealed from a Violation Notice issued March 26, 2004 by the Building and Housing Department.

The following appeals were **Postponed:**

None.

On Monday, May 10, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, May 3, 2004, and said decisions were approved and adopted in Executive Session on Monday, May 10, 2004:

The following appeals were **Approved:**

Calendar No. 04-81: 3580-82 West 135th Street

Brian Heidelman appealed to enclose a second floor porch of a two-family dwelling in a Two-Family District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 04-82: 3425 East 135th Street

Cheri Cross appealed to change a two family dwelling to a three unit, multi-family dwelling in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
May 5, 2004

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

* * *

Docket A-102-03.

RE: Appeal of Manchester Realty, LLC, Owner of the Property located on the premises known as 708 St. Clair Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 23, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances and to accept the plan agreed upon between the Fire Prevention Bureau and the Appellant to proceed and be completed within the next twelve (12) months. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-135-03.

RE: Appeal of Marc Glassman, Inc., Owner of the Property located on the premises known as 15030 Puritas Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated October 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in sixty (60) days (July 25th, 2004).

* * *

Docket A-13-04.

RE: Appeal of West Shore Realty, Inc., Owner of the Two & One-half Story Masonry/Six Dwelling Units and Four Stores Property located on the premises known as 11201 St. Clair Avenue (a.k.a. 11201-11 St. Clair Avenue) from a 30 DAY VACATE ORDER/30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated January 29, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, having reviewed photographs and listen to testimony and clarifications presented by the City, a motion is in order at this time to affirm the 30 Day Vacate Order/30 Day Condemnation Order — MS, and to require that the Appellant obtain permits with thirty (30) days, and complete abatement of the violations within ninety (90) days, with the understanding that a meeting will be scheduled for any further clarifications and timelines between the City and the Appellant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-24-04.

RE: Appeal of Regal Arms Housing Co., Inc., Owner of the Three & One-half Story Frame Residential Property located on the premises known as 7914 Carnegie Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated February 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, having reviewed the facts of the case, a motion is in order at this time to affirm the 30 DAY DETERIORATED CONDEMNATION ORDER — MS, and require the Appellant to obtain permits with sixty (60) days and abate the violations within one hundred-twenty (120) days; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-25-04.

RE: Appeal of Regal Arms Housing Co., Inc., Owner of the Three & One-half Story Frame Residential Property located on the premises known as 7916 Carnegie Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated February 19, 2004, requiring compliance with the Codified Ordinances of the

City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, having reviewed the facts of the case, a motion is in order at this time to affirm the 30 DAY DETERIORATED CONDEMNATION ORDER — MS, and require the Appellant to obtain permits with sixty (60) days and abate the violations within one hundred-twenty (120) days; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-27-04.

RE: Appeal of Ameriquest Mortgage, Owner of the Two & One-half Story Two Dwelling Units Residential Property located on the premises known as 2311 East 71st Street from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated February 20, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and thirty (30) additional days in which to abate the violations or abate the violations that they choose to abate without a secured title, with the requirement that the building remain boarded and secured and the grounds debris free during that entire period of time, and to REMAND the property at 2311 East 71st Street to the Department of Building and Housing for supervision and any required further action, noting that the testimony presented indicated that it would be six (6) or seven (7) months before the fore closure on the property would be complete. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-37-04.

RE: Appeal of Vans, Inc., Owner of the Tents and Bleachers for Temporary Use located on the premises known as 1231 Main Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 22, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the requirement for a one-quarter (1/4) inch gap to a maximum of three-quarter (3/4) inches with the condition that the Appellant post signage prohibiting high heels and other such possible hazardous conditions from these stands; the stands may be erected with the construction presented with that condition; and to require the Appellant to submit a letter to the Department of Building and Housing stating that they will comply with these conditions. Motion so in order.

Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-39-04.

RE: Appeal of C.M.H.A., Owner of the Property located on the premises known as 2361 East 40th Street (aka Carver Park Estates) from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated April 22, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the laundry rooms to exist with wall louvers and solid doors with a three-quarter (3/4) inch undercut in both the laundry and furnace closets to provide additional combustion air to both rooms, with the provision that the transfer duct be maintained as it is between the two (2) rooms. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-40-04.

RE: Appeal of Tree Of Hope Enrichment Center, Owner of the Property located on the premises known as 17877 St. Clair Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, but to require the Appellant to submit three (3) sets of drawings to the Department of Building and Housing to be reviewed expeditiously as possible; the docket will be rescheduled as soon as the review of the plans have been completed.

* * *

Docket A-42-04.

RE: Appeal of The Cleveland Clinic Foundation C/O Doan/Pyramid, LLC, Owner of the Property located on the premises known as 9500 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 8, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to accept the proposed redistribution of the campus grid power system as presented to the City of Cleveland, noting that the internal feeder between buildings "G" and "H" will be moved outside the building in this remodeling and that the owner will submit to the Fire Prevention Bureau a letter stating that the personnel and procedures will be maintained to provide the required safe procedures of shutdown or repair. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

APPROVAL OF RESOLUTIONS:

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

- A-16-04—Luegenia Dixon Kelley.
- A-18-04—Martha J. Griffin.

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

* * *

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

- A-22-04—SN Servicing Corp.

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

* * *

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

- A-23-04—Synthia Moore.

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

* * *

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

- A-34-04—Heidtman Steel Products, Inc.

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

* * *

APPROVAL OF MINUTES:

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

April 21, 2004

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

* * *

Secretary

PUBLIC NOTICE

NONE

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 26, 2004
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 26, 2004, at 1:30 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 169-04.

By Council Member Dolan.
An ordinance to change the zoning of parcels at Southwest corner of Warren Road and Triskett Road from a General Retail Business Use, District and a Multi-Family Residential Use District to a Local Retail Business Use District and a Multi-Family Residential Use District (Map Change No. 2110 and 2111, Sheet No. 12)

Ord. No. 343-04.

By Council Member Conwell.
An ordinance to change the zoning of parcels along Superior Avenue between East 114th and Lakeview from General Retail to Local Retail Business District (Map Change No. 2114, Sheet No. 8)

Ord. No. 344-04.

By Council Member Conwell.
An ordinance to change the zoning of parcels along Superior between Parkwood and East 115th Street from General Retail to Multi-Family Residential Use District (Map Change No. 2113, Sheet No. 8)

Ord. No. 491-04.

By Council Member Zone.
An ordinance to change the zoning of parcels along Courtland Court between West 54th and West 57th Streets from a Two-Family Residential Use District to an RA2 Townhouse District (Map Change No. 2116, Sheet No. 1)

Ord. No. 637-04.

By Council Member Pierce Scott.
An ordinance to change the zoning of parcels along the north side of Superior Avenue between East 101st and East 103rd Streets from a Single-Family Residential Use District, a Multi-Family Residential Use District, and a Local Retail Business Use District to an RA-2 Townhouse Use District and a Planned Unit Development (PUD) Overlay District; from "B," "C," and "D" Area Districts to a "C" Area District; and from a "1" Height District to a "2" Height District (Map Change No. 2122, Sheet No. 4).

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

JOSEPH C. CIMPERMAN
Chairman
Committee on City Planning

May 12, 2004 and May 19, 2004

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MAY 19, 2004

Mast Arms and Decorative Signal Poles, for the Division of Traffic Engineering, Department of Public Service as authorized by Ordinance No. 244-04, passed by the Council of the City of Cleveland, April 5, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MAY 14, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Underground Electrical Conduit Installation, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 244-04, passed by the Council of the City of Cleveland, April 5, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 13, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

THURSDAY, MAY 20, 2004

Arbor Park Village — Phase 3, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 335-04, passed by the Council of the City of Cleveland, March 29, 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, MAY 13, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Typewriter Maintenance, for Various Divisions, Department of Finance, as authorized by Ordinance No. 415-04, pending.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 13, 2004, AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

FRIDAY, MAY 21, 2004

Exterminating Services, for Various Divisions, Department of Finance, as authorized by Ordinance No. 416-04, pending.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 13, 2004, AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

THURSDAY, MAY 27, 2004

Ready Mix Concrete, for Various Divisions, Department of Finance, as authorized by Ordinance No. 690-04, pending.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, MAY 17, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

FRIDAY, MAY 28, 2004

Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, MAY 19, 2004, AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

WEDNESDAY, JUNE 2, 2004

Water Main Repair Specials (Bid Package No. 2), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1155-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, MAY 17, 2004 AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 5, 2004 and May 12, 2004

WEDNESDAY, MAY 26, 2004

Wireless Voice and Data Devices & Services, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 1714-02, amended by Ordinance No. 2224-03, passed by the Council of the City of Cleveland, September 16, 2002. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MAY 20, 2004, AT 1:30 P.M., INFORMATION TECHNOLOGY & SERVICES, CONFERENCE ROOM, 1404 EAST 9TH STREET, CLEVELAND, OHIO 44114.**

May 12, 2004 and May 19, 2004

THURSDAY, MAY 27, 2004

Office Paper Recycling Program (Sale of Products), for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Section 181.18, of the Codified Ordinances of Cleveland, Ohio, 1976. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 21, 2004, AT 3:30 P.M., CHARLES V. CARR CENTER, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.**

May 12, 2004 and May 19, 2004

WEDNESDAY, JUNE 2, 2004

Decorative Outdoor Lighting Installation, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1154-03, passed by the Council of the City of Cleveland, July 16, 2003. **THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MAY 27, 2004, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

May 12, 2004 and May 19, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 787-04.
By Council Member Westbrook (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving West 88th Street from Clark Avenue to Denison Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 351-04, adopted March 8, 2004, this Council declared the necessity of improving West 88th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for

the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Chavtz Seals, Sr., three disinterested freeholders of the City, are appointed as an assessment equalization board, and Douglas E. Melton, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 351-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:00 a.m. on Wednesday, May 19, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 113, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

Adopted May 3, 2004.
Effective May 7, 2004.

Res. No. 788-04.
By Council Member O'Malley (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving West 41st Street from Schiller Avenue to Archmere Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 350-04, adopted March 8, 2004, this Council declared the necessity of improving West 41st Street from Schiller Avenue to Archmere Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-

of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Chavtz Seals, Sr., three disinterested freeholders of the City, are appointed as an assessment equalization board, and Douglas E. Melton, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 350-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:30 a.m. on Wednesday, May 19, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 113, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

Adopted May 3, 2004.
Effective May 7, 2004.

Res. No. 790-04.
By Council Members Reed, Brady, Jones and Zonc.

An emergency resolution supporting quality school building construction and recommending that the Ohio School Facilities Commission review its current contract specifications and consider additional contractor qualification criteria and procedures and further recommending that said Commission reconsider its position and allow local school districts the option to enter into a project labor agreement if the local board determines it is in the best interest of its district.

Whereas, the Cleveland Public School District has begun a vast capital improvement program to upgrade the district's facilities; and

Whereas, the Cleveland Public School District is participating in the Ohio School Facilities Commission's Program for the design and construction of the initial phase of the projects; and

Whereas, the Cleveland Public School District, along with Cleveland City Council, wishes to encourage quality construction to be performed with quality workmanship, completed on time, and completed within the established budget, in order to maximize the board's resources; and

Whereas, Cleveland City Council recognizes the hard work and dedication of the workforce within the community and desires to take advantage of that hard work and dedication for the benefit of Cleveland Public School students; and

Whereas, representatives of that workforce, including all crafts affiliated with the Building and Construction Trades, have endorsed the district's efforts to improve the facilities for our students and have worked tirelessly for the approval of local school levies; and

Whereas, this Council wishes to encourage the use of a local workforce, through responsible contracting practices and to support efforts to train a workforce of skilled construction workers; and

Whereas, City Council believes that construction of quality school facilities and the quantity of potential contractors will be enhanced if they are permitted to require contractors to pay prevailing wages to employees working on Classroom Facilities Projects; and

Whereas, this Council recognizes that certain criteria can be included in the contract documents for these projects to help assure quality construction in connection with the capital improvements program to the extent permitted by law and Ohio School Facilities Commission procedures and policies, as applicable to the program; and

Whereas, the Cleveland Public School District has reviewed contractor qualifications criteria and the proposed procedures and wishes to identify additional contractor qualifications criteria and procedures, as appropriate to the work for which bids are solicited, to be included in the construction contract document, which will encourage quality construction, timely completion of work within the established budget; and

Whereas, the Cleveland Public School District and City Council wish to ensure that contractors working on the current project are compliant with applicable laws, financially stable and capable of executing construction contracts in a competent and professional manner; and

Whereas, Council and the Cleveland Public School District recognize that certain qualification criteria and procedures can be included in the construction contract documents for its projects to help assure quality construction; and

Whereas, Council and the Cleveland Public School District hopes to have the contractor qualification cri-

teria and procedures set forth in the State specifications and included in the construction contract documents; and

Whereas, on April 22, 2004, a bipartisan legislative summit on quality school building construction was convened to address the matters set forth herein; 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 supports quality school building construction and recommends that the Ohio School Facilities Commission review its current contract specifications and consider additional contractor qualification criteria and procedures.

Section 2. That this Council further recommends that the Ohio School Facilities Commission reconsider its position and allow local school districts the option to enter into a project labor agreement if the local board determines it is in the best interest of its district.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Taft, Barbara Byrd-Bennet, CEO, Cleveland Municipal School District, the members of the Cleveland School Board, the Director of the Ohio School Facilities Commission and Loree Soggs of the Cleveland Building and Trade Commission.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 791-04.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 13501 Lakewood Heights Boulevard and repealing Resolution No. 549-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 13501 Lakewood Heights Boulevard, 1st Floor N/S only by Resolution No. 549-04 adopted by the Council on March 29, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Hajnaj, Inc., 13501 Lakewood Heights Boulevard, 1st floor, N/S only, Cleveland, Ohio 44107, Permanent Number 3505178 be and the same is hereby withdrawn

and Resolution No. 549-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 792-04.

By Council Member Conwell.

An emergency resolution withdrawing objections to the renewal of a C1 and C2 and New C1 and New C2 Liquor Permit at 11625 Superior Avenue and repealing Resolution Nos. 1307-03, 2350-03 and 361-04, objecting to said renewal and issuance.

Whereas, this Council objected to the renewal of a C1 and C2 and New C1 and New C2 Liquor Permit to 11625 Superior Avenue by Resolution No. 1307-03 adopted by the Council on July 16, 2003, Resolution No. 2350-03 adopted by the Council on November 24, 2003 and Resolution No. 361-04 adopted by the Council on March 8, 2004; and

Whereas, this Council wishes to withdraw its objections to the above renewal and issuance and consents to said renewal and issuance; 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 the renewal of a C1 and C2 and New C1 and C2 Liquor Permit to Super Drive Thru, Inc., 11625 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8699981 be and the same is hereby withdrawn and Resolution Nos. 1307-03, 2350-03 and 361-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and issuance thereof.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 793-04.

By Council Member Lewis.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5401 Euclid Avenue and repealing Resolution No. 2182-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5401

Euclid Avenue by Resolution No. 2182-03 adopted by the Council on November 10, 2003; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Georgette Abou Nader, DBA Midtown Express, 5401 Euclid Avenue, Cleveland, Ohio 44103, Permanent Number 0029193 be and the same is hereby withdrawn and Resolution No. 2182-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 794-04.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 11312 Buckeye Road and repealing Resolution No. 1324-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 11312 Buckeye Road by Resolution No. 1324-03 adopted by the Council on July 16, 2003; 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 Gene A. Sardon, DBA Gene's Corner Beverage Store #1, 11312 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 7742555 be and the same is hereby withdrawn and Resolution No. 1324-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 795-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14005 Benwood Avenue and repealing Resolution No. 1344-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14005 Benwood Avenue by Resolution No. 1344-03 adopted by the Council on July 16, 2003; 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 WDAD, Inc., DBA Shortcut Deli & Beverage, 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 9446170 be and the same is hereby withdrawn and Resolution No. 1344-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 3, 2004.

Effective May 7, 2004.

Res. No. 796-04.

By Council Members Zone, Jackson, Westbrook, Gordon, Lewis, Jones, Coats, Brady, Pierce Scott, Britt, Conwell, and Cintron.

An emergency resolution urging the Ohio Delegation to the U.S. Congress to vote to repeal the 2003 tax breaks which cause disastrous fiscal problems in this country's urban centers and to redirect a portion of the restored funds to the states so that painful budget cuts may be stopped; and further urging said Ohio Delegation to vote against any future tax breaks, which erode the funding available for critical domestic priorities.

Whereas, this Council believes that the City of Cleveland must provide quality services to its residents; and

Whereas, the City of Cleveland has experienced cuts to its budget because of Ohio's budget deficits over the last few years; and

Whereas, Ohio needs new revenue to prevent these and other deep budget cuts as well as to pay for education, affordable housing, child care, health care, prescription drugs, public safety, environmental programs, local aid, human services, and other badly needed state and local programs; and

Whereas, if significant revenue is not forthcoming, the City of Cleve-

land will face increased pressure to raise property taxes, raise fees, and/or cut vital services; and

Whereas, Ohio is in this fiscal crisis because the sluggish national economy has resulted in substantial loss of revenues; and

Whereas, President Bush and the U.S. Congress could have provided \$85 billion in aid to the states during this nationwide fiscal crisis, which would have eliminated every state's deficit; and

Whereas, instead, the President and Congress chose to pass a tax bill that provides only \$20 billion in aid to states and gives away \$330 billion in tax breaks; and

Whereas, the 2003 federal tax law will cost Ohio millions of dollars over the next decade; and

Whereas, Ohio has lost 213,100 jobs since the start of the recession; and

Whereas, the 2003 federal tax law will yield an average tax cut totaling only \$380 over 4 years to most of Ohio's taxpayers; and

Whereas, by 2006, 89% of Ohio residents will receive less than \$100 in tax cuts; and

Whereas, there is little evidence that these aforementioned tax breaks have the "trickle down" effect promoted by the U.S. government; and

Whereas, history has shown that large tax giveaways and inequality of wealth are often followed by weak economic growth and job loss; and

Whereas, Ohio relies on federal aid in the form of Medicaid reimbursements, general economic assistance, increased spending on transportation and housing development, direct homeland security funding and a strong Social Security system; and

Whereas, the federal government has required that states do more, but has not provided adequate funding to do so; and

Whereas, the 2003 federal tax law undermines our state and local efforts in areas such as homeland security, election reform, and the No Child Left Behind Act; and

Whereas, the 2003 federal tax law provides little tax relief to the vast majority of the citizens of Ohio; 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 Delegation to the U.S. Congress to vote to repeal the 2003 tax breaks which cause disastrous fiscal problems in this country's urban centers and to redirect a portion of the restored funds to the states so that painful budget cuts may be stopped.

Section 2. That this Council further urges said Ohio Delegation to vote against any future tax breaks, which erode the funding available for critical domestic priorities.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President George W. Bush, the Ohio Delegation to the U.S. Congress and Governor Bob Taft.

Section 4. That this resolution is hereby declared to be an emergency

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

Adopted May 3, 2004.
Effective May 7, 2004.

Res. No. 797-04.
By Council Members Reed and Jones.

An emergency resolution urging the Greater Cleveland Regional Transit Authority and Geauga Lake Park officials to reinstate the bus route, or otherwise provide transportation, to Geauga Lake Park, formerly known as Six Flags Amusement Park, so that our youth may maintain summer employment at the park.

Whereas, it has come to this Council's attention that the Greater Cleveland Regional Transit Authority (RTA) along with officials at Geauga Lake Park, have discontinued service from Cuyahoga County to the amusement park located in Geauga County, Geauga Lake Park, formerly known as Six Flags Amusement Park; and

Whereas, many Cuyahoga County and city of Cleveland residents, mostly youth, have held jobs at this amusement park during the summer months; and

Whereas, often, these youth working at the park have no other recourse but to take public transportation to get to work; and

Whereas, it is incumbent upon RTA to provide service from Cuyahoga County to Geauga Lake Park so that these youth and all others relying on public transportation may keep their summer employment at the park; 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 Greater Cleveland Regional Transit Authority and Geauga Lake Park officials to reinstate the bus route, or otherwise provide transportation, to Geauga Lake Park, formerly known as Six Flags Amusement Park, so that our youth may maintain summer employment at the park.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the Board of the Greater Cleveland Regional Transit Authority and Geauga Lake Park officials.

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

Adopted May 3, 2004.
Effective May 7, 2004.

Ord. No. 787-03.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Crawford Road to Sandra Fleming Brooks.

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). 119-04-002, as more fully described below, to Sandra Fleming Brooks.

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

P. P. No. 119-04-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 5 in John Newman's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 9 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northwesternly line of Crawford Road N.E., at the Southeastly corner of said Sublot No. 5; thence Northeasterly along said Northwesternly line of Crawford Road N.E., about 56 feet 5 inches to the Southeastly corner of land conveyed to Henry J. Rorke by deed dated June 20, 1923, and recorded in Volume 2804, Page 513 of the Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed about 59.32 feet to the Northerly line of said Sublot No. 5; thence Westerly along the Northerly line of said Sublot No. 5, about 46.43 feet to the Northeasterly corner of land conveyed to Carrie F. Judd by deed dated September 29, 1908, and recorded in Volume 1174, Page 139 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Carrie F. Judd, 50 feet to the Southerly line of said Sublot No. 5; thence Easterly along said Southerly line of Sublot No. 5, about 71 feet 6-1/2 inches in the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways. Further subject to Restrictions, terms and conditions contained in the University-Euclid General Neighborhood Renewal

Plan, Ohio R-32 "and the University-Euclid General Neighborhood Renewal Project 1, Ohio R-44" as approved and set forth in Ordinance No. 1338-61, passed by the Council of the City of Cleveland June 12, 1961, and recorded in Miscellaneous Volume 111, Page 9, and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records on April 6, 1965, at 1:24 p.m., and 1:25 p.m., respectively, as modified by Ordinance No. 1173-66 passed May 23, 1966, and Ordinance No. 1005-68, passed June 17, 1968. Further subject to Restrictions of record and Zoning Ordinance, if any.

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

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

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

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

Passed May 3, 2004.
Effective May 7, 2004.

Ord. No. 2188-03.
By Council Member Conwell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Thornhill Drive to Edna L. Kates.

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), 110-11-008, as more fully described below, to Edna L. Kates.

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

P. P. No. 110-11-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in The Adams Realty Company's Subdivision No. 4 of part of Original One Hundred Acre Lots Nos. 372, 373 and 381, as shown by the recorded plat in Volume 73 of Maps, Page 37 of Cuyahoga County Records, and being 40 feet front on the North-easterly side of Thornhill Drive, N.E., and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed May 3, 2004.
Effective May 7, 2004.

Ord. No. 2455-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at rear of Sagamore Avenue to Miller Bailey and Leola Bailey.

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), 118-09-003 (Southwesterly part of), as more fully described below, to Miller Bailey and Leola Bailey.

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

P. P. No. 118-09-003

(Southwesterly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block A in the G.M. Spanger's Subdivision, Volume 24, Page 22 and bounded and described as follows:

Commencing at a 1" iron pin found in a monument box found at the intersection of East 79th Street (50 feet wide) and Sagamore Avenue (40 feet wide) on the right of way of East 79th Street (50 feet wide).

Thence North 80° 27' 43" West, 154.85 feet to a point in the centerline of Sagamore Avenue (40 feet wide);

Thence North 09° 47' 52" East, a distance of 20 feet to a drill hole set on the North right-of-way of Sagamore Avenue (40 feet wide); Thence continuing on 66.74 feet the Southeast corner of Block A;

Thence North 80° 27' 43" West, a distance of 76.67 feet to the Northwest corner of Sublot No. 22 and being the place of beginning;

Thence North 80° 27' 43" West, a distance of 18.33 feet to a point being the Southern extension of the East line of Sublot No. 21;

Thence North 09° 47' 52" East, a distance of 43.74 feet to a point being the Northeast corner of Sublot No. 21;

Thence South 80° 47' 06" East a distance of 18.33 feet to a 5/8" iron pin set on the South property line of Parcel C;

Thence South 09° 47' 52" West, a distance of 43.74 feet to the place of beginning;

Containing 801.7542 square feet of 0.0184 acres and coinciding with the survey performing by Bemba K. Jones P.S. and Associates, Inc., State of Ohio Professional Surveyor, Registration No. 7343. Date of Survey, the 11th day of June 2003.

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 214-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 741 East 165th Street to Collinwood Development Corporation or designee.

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

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

Whereas, this ordinance 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). 116-21-015, as more fully described below, to Collinwood Development Corporation or designee.

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

P. P. No. 116-21-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 10 feet of Sublot No. 23 and the Northerly 25 feet of Sublot No. 24 in the Gund Subdivision of part of Original Euclid Township Track No. 16, as shown by the recorded plat of said Subdivision in Volume 27 of Maps, Page 3 of Cuyahoga County Records. Said part of Sublot Nos. 23 and 24 together forming a parcel of land having a frontage of 35 feet on the Easterly side of East 165th Street (formerly Gund Avenue), and extends back between parallel lines, 120 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 243-04.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of LED bulbs, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of LED bulbs used in traffic and pedestrian signals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service 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 Service 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 139724)

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 245-04.
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 necessary to repair interior and exterior bodies of the motor vehicle fleet, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to repair interior and exterior bodies of the motor vehicle fleet, 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 Cleveland Public Power, 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 131266)

Section 3. 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 Utilities 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 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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 247-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of electrical test equipment and labor and materials necessary to maintain or repair electrical test equipment, including training when necessary, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of various types of electrical test equipment and labor and materials necessary to maintain or repair electrical test equipment, including training when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, 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 131263)

Section 3. 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 Utilities 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 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 May 3, 2004.
 Effective May 7, 2004.

Ord. No. 248-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of low sulfur #2 dyed diesel fuel oil, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of low sulfur #2 dyed diesel fuel oil, 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 Cleveland Public Power, 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 131262)

Section 3. 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 Utilities 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 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 May 3, 2004.
 Effective May 7, 2004.

Ord. No. 267-04.
By Council Member Jones.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Amistad Development Corporation 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. 143-18-062 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 wide) said Easterly line parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2264.18 feet Northerly, (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th

Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 376 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-063 as more fully described below to Amistad Development Corporation or designee.

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

P. P. No. 143-18-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street (50 feet wide), said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2222.81 feet Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 377 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

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. 143-18-064 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street said Easterly line being parallel to and

542.50 feet Easterly, (measured at right angles) from the Westerly line of the second parcel of land described in the deed from the John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2180.81 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 378 in William J. Lang's proposed Lee Heights Allotment, 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. 143-18-065 as more fully described, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and other, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2140-35/100 feet Northerly (measured along said Easterly line and its outerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles and said Easterly line proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 379 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-066 as

more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in Deed from John B. Corlett and others, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records at a point 2098-35/100 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and further known as Sublot No. 380 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-067 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide), said Easterly line being parallel to and 542-50/100 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2056.35 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land, conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150

feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 381 in William J. Lang's proposed Lee Heights Allotment, 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. 143-18-068 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street (50 feet wide), said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2015.89 Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning further known as Sublot No. 382 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-069 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly,

(measured at right angles) from, the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1973.89 feet Northerly (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel so said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 383 in William J. Lang's proposed Lee Heights Allotment, 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. 143-18-070 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.59 feet Easterly (measured at right angles), from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, parallel 592 of Cuyahoga County Records, at a point 1973.78 feet Northerly (measured along Westerly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 408 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

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. 143-18-071 as

more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2015.24 feet Northerly (measured along said Westerly line and its Southerly prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 40.46 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 409 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-072 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 wide (formerly proposed East 173rd Street) said Westerly line being parallel to and 492.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2056.24 feet Northerly (measured along said Westerly line and its Southerly prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42

feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly along a line at right angles with the last described line, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 410 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-073 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street 50 feet wide, former proposed East 173rd Street, said Westerly line being parallel to and 492-50/100 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett, and others, to William J. Lang dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2098.24 feet Northerly, measured along said Westerly line and its Southerly prolongation, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street 150 feet; thence Southerly along a line at right angles with the last described line 42 feet; thence Easterly 150 feet to the place of beginning, being further known as Sublot No. 411 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-074 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50

feet wide, formerly proposed East 173rd Street, said Westerly line being parallel to and 492-50/100 feet Easterly measured at right angles from the Westerly line of the second parcel of land described in the deed from John C. Corlett and others, to William J. Lang dated February 1, 1916 and record in Volume 1745, Page 592 of Cuyahoga County Records, at a point 2140.24 feet Northerly, measured along said Westerly line and its Southerly prolongation, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street 40.46 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; Original Ten Acre Lot No. Southerly along a line at right angles with the last described line 40.46 feet; thence Easterly 150 feet to the place of beginning, further known as Sublot No. 412 in William J. Lang's proposed Lee Heights Allotment, 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. 143-18-075 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning at a point in the Westerly line of East 176th Street, 50 feet wide, proposed, said Westerly line being parallel with and 492.50 feet Easterly measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and Eli W. Cannell, to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records; at a point therein, distant 248.92 feet Southerly measured along said Westerly line of East 176th Street (formerly East 172nd Street), from the Southeastly corner of Sublot No. 294 in William J. Lang's Lee Heights Allotment recorded in Volume 89 of Maps, Page 16 of Cuyahoga County Records; thence Southerly along the Westerly line of East 176th Street, proposed, and parallel with the Westerly line of land conveyed to William J. Lang as aforesaid 42 feet; thence Westerly at right angles with the Southerly line of East 176th Street 150 feet; thence Northerly parallel with said Westerly line of East 176th Street 42 feet; thence Easterly at right angles with the Westerly line of East 176th Street 150 feet to the place of beginning, further known as Sublot No. 413 in William J. Lang's proposed Lee Heights Allotment, proposed, 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. 143-18-076 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed, (formerly East 173rd Street) 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant 2222.70 feet Northerly measured along said Westerly line of East 176th Street, proposed and the Southerly prolongation thereof from its point of intersection with the Southerly line of the said second parcel of land so conveyed to William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 42.00 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed a distance of 42.00 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 414 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-077 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed (formerly East 173rd Street), 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly measured at right angles from

the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant 2264.70 feet Northerly measured along said Westerly line of East 176th Street, proposed, and the Southerly prolongation thereof from its point of intersection with the Southerly line of the said second parcel of land so conveyed to William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 40.46 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed, a distance of 40.46 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 415 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-18-078 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-18-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street, proposed, (formerly East 173rd Street) 50.00 feet wide, said Westerly line being parallel to and distant 192.50 feet Easterly measured at right angles from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 11745, Page 592 of Cuyahoga County Records, at a point distant 2305.16 feet Northerly measured along said Westerly line of East 176th Street, proposed, and the Southerly prolongation thereof from its point of intersection with the Southerly line of said second parcel of land so conveyed to William J. Lang as aforesaid; thence Northerly along the said Westerly line of East 176th Street, proposed, a distance of 42.00 feet to a point; thence Westerly at right angles to the said Westerly line of East 176th Street, proposed, a distance of 150.00 feet to a point; thence Southerly and parallel with the said Westerly line of East 176th Street, proposed a distance of 42.00 feet to a point; thence Easterly at right angles to the said Westerly line of East 176th Street, proposed,

a distance of 150.00 feet to the place of beginning, being further known as Sublot No. 416 in William J. Lang's proposed Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93 according to the survey made by Charles W. Root, Civil Engineer, December 15, 1915, be the same more or less, but subject to all legal highways.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-065 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (formerly proposed East 173rd Street) at the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920, and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land conveyed, which is also the Easterly line of proposed East 176th Street, 42 feet; thence Easterly along a line parallel to the Northerly line of land conveyed as aforesaid, 150 feet to the Easterly line of land so conveyed; thence Northerly along said Easterly line, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 384 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-066 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (formerly proposed East 173rd Street) at a point 42 feet Southerly from the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920, and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed, which is also the Easterly line of proposed East 176th

Street, 40.46 feet; thence Easterly along a line parallel to the Northerly line of land conveyed as aforesaid, 150 feet to the Easterly line of land so conveyed; thence Northerly along said Easterly line, 40.46 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 385 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-067 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (formerly proposed East 173rd Street), at a point 82.46 feet Southerly from the Northwesterly corner of land conveyed to Joseph Beck by deed dated November 16, 1920 and recorded in Volume 2462, Page 357 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed, which is also the Easterly line of proposed East 176th Street, 42 feet to the Southwesterly corner of land conveyed as aforesaid; thence Easterly along the Southerly line of land so conveyed, 150 feet to the Southeasterly corner; thence Northerly along the Easterly line of land so conveyed, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 386 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-068 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the

Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1807.43 feet Northerly, (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning and being further known as Sublot No. 387 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 43. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-069 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide, (said Easterly line being parallel with and 542.50 feet Easterly measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1766.97 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46; thence Westerly 150 feet to the place of beginning, and be further known as Sublot No. 388 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Section 45. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-070 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line be parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1724.97 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 389 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 47. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-071 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1682.97 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence

Westerly 150 feet to the place of beginning, and being further known as Sublot No. 390 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-072 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line be parallel with and 542.50 feet Easterly, measured at right angle, from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1642.51 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 391 in William J. Lang's proposed Lee Heights Allotment, as appears by said plat, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 51. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-073 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, 50 feet wide (said Easterly line being parallel with and 542.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land described in the deed from

John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1600.51 feet Northerly (measured along said Easterly line and its Southerly prolongation) from the Southerly line of said second parcel of land; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel with said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 392 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-074 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1558.51 feet Northerly, (measured along said Easterly line and its Southern prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the place of beginning, and being further known as Sublot No. 393 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 55. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-075 as more fully described below, to Amistad Development Corporation or designee.

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

lows:

P. P. No. 143-19-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1518.05 feet Northerly, (measured along said Easterly line and its Southerly prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 40.46 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 40.46 feet; thence Westerly 150 feet to the place of beginning, and further known as Sublot No. 394 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 57. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-076 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of proposed East 176th Street, (50 feet wide) said Easterly line being parallel to and 542.50 feet Easterly (measured at right angles) from the Westerly line of the second parcel of land described in the deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1476.05 feet Northerly, (measured along said Easterly line and its Southern prolongation), from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Easterly line of proposed East 176th Street, 42 feet; thence Easterly on a line at right angles with said Easterly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Easterly line of proposed East 176th Street, 42 feet; thence Westerly 150 feet to the

place of beginning, and being further known as Sublot No. 395 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 59. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-085 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide, (said Westerly line being parallel to and 492-50/100 feet Easterly, (measured at right angles) from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1475.94/100 feet Northerly, (measured along said Westerly line and its prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 396 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 61. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-086 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide, (said Westerly line being parallel to and 492-50/100 feet Easterly, (measured at right angles) from the Westerly line of the second parcel of land described in deed from John

B. Corlett and others to William J. Lang, dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records), at a point 1517.94/100 feet Northerly, (measured along said Westerly line and its prolongation) from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46 feet; thence Westerly on a line at right angles with said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 40.46 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 397 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 63. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-087 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning in the Westerly line of East 176th Street, proposed (50 feet wide) said Westerly line being parallel to and distant 492.50 feet Easterly (measured to right angles) from the Westerly line of the second parcel of land conveyed to William J. Lang by deed dated February 1, 1916 and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point distant Northerly, measured along said Westerly line of East 176th Street, proposed, and the Southerly prolongation thereof, 1517.94 feet from the Southerly line of the second parcel of land conveyed to William J. Lang as aforesaid; thence Northerly along said Westerly line of East 176th Street, proposed, 42 feet; thence Westerly at right angles to said Westerly line of East 176th Street, proposed, 150 feet; thence Southerly on a line parallel to said Westerly line of East 176th Street, proposed, 42 feet; thence Easterly on a direct line, 150 feet to the place of beginning, and being further known as Sublot No. 398 in William J. Lang's Lee Heights Allotment, proposed, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-088 as more fully described below, to Amistad Development Corporation or designee.

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

nance is more fully described as follows:

P. P. No. 143-19-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof; from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 feet to the place of beginning and being further known as Lot No. 399 of W.J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of the East 176th Street ((formerly East 173rd Street), and further being part of the same premises described in parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 67. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-089 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and

192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1559.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation hereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 42 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly [line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 40.46; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 40.46 to the place of beginning and being further known as Sublot No. 400 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 69. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-090 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and

the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 82.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 feet to the place of beginning and being further known as Lot No. 401 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street) and further being part of the same premises described as Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 71. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-091 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 wide), said Easterly line be parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 124.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point, which point is the principal place of

beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 42 to the place of beginning and being further known as Lot No. 402 of W. J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92, and 93, according to the survey mad by Charles Root, Civil Engineer, December 1915, as appears by said plat, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the dead recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 73. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-092 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street, 50 feet wide), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded in Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly, along said Easterly line of East 175th Street (formerly East 172nd Street) 166.46 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Northerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of East 175th Street (formerly 172nd Street)

40.46 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Southerly 40.46 to the place of beginning and being further known as Lot No. 403 of W.J. Lang's Lee Heights Allotment of part of Original Warrensville Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), and further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 75. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-093 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 92 and bounded and described as follows:

Beginning on the Easterly line of East 175th Street (formerly East 172nd Street), said Easterly line being parallel to and 192.50 feet Easterly, measured at right angles, from the Westerly line of the second parcel of land conveyed to John B. Corlett and others to William J. Lang by deed dated February 1, 1916, and recorded to Volume 1745, Page 592 of Cuyahoga County Records, at a point 1599.66 feet Northerly, measured along said Easterly line of East 175th Street (formerly East 172nd Street) and the prolongation thereof, from its point of intersection with the Southerly line of said second parcel so conveyed to William J. Lang; thence Northerly along said Easterly line of East 175th Street (formerly East 172nd Street) 248.92 feet to a point; thence Easterly on a line at right angles with said last described line 150 feet to a point; which point is the principal place of beginning; thence continuing 150 feet Easterly on a prolongation of said last described line to the Westerly line of East 176th Street (formerly East 173rd Street); thence Southerly along the Westerly line of East 176th Street (formerly East 173rd Street), which line is also parallel to the Easterly line of east 175th Street (formerly 172nd Street) 42 feet; thence Westerly on a line at right angles with said last described line 150 feet to a point; thence Northerly 42 to the place of beginning and being further known as Lot No. 404 of W.J. Lang's Lee Heights Allotment of part of Original Brooklyn Township Lots Nos. 83, 84, 92 and 93, according to the survey made by Charles Root, Civil

Engineer, December 1915, be the same more or less, but subject to all legal highways, together with the rights, if any, to the abutting portion of East 176th Street (formerly East 173rd Street), further being part of the same premises described at Parcel III in the deed recorded in Volume 4724, Page 449 of Cuyahoga County Records. Subject to zoning ordinances, if any.

Section 77. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-094 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and others, to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1849.32 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles to said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning, and being further known as Sublot No. 405, in proposed William J. Lang's Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 79. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-095 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92 and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of land described in

deed from John B. Corlett and others to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records at a point 1891.32 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 40.46; thence Westerly on a line at right angles with the said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 40.46 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 406 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Section 81. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 143-19-096 as more fully described below, to Amistad Development Corporation or designee.

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

P. P. No. 143-19-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, and bounded and described as follows:

Beginning on the Westerly line of proposed East 176th Street, 50 feet wide (said Westerly line being parallel to and 492.50 feet Easterly, measured at right angles from the Westerly line of the second parcel of land described in deed from John B. Corlett and others to William J. Lang, recorded in Volume 1745, Page 592 of Cuyahoga County Records) at a point 1931.78 feet Northerly, measured along said Westerly line of proposed East 176th Street, from the Southerly line of said second parcel of land so conveyed to William J. Lang; thence Northerly along said Westerly line of proposed East 176th Street, 42 feet; thence Westerly on a line at right angles with the said Westerly line of proposed East 176th Street, 150 feet; thence Southerly on a line parallel to said Westerly line of proposed East 176th Street, 42 feet; thence Easterly 150 feet to the place of beginning and being further known as Sublot No. 407 in William J. Lang's proposed Lee Heights Allotment, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 83. 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 84. 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 85. 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 86. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 3, 2004.

Effective May 7, 2004.

Ord. No. 270-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sheldon Drive to Donna L. Morgan.

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). 114-31-034, as more fully described below, to Donna L. Morgan.

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

P. P. No. 114-31-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 23 in the Elworthy-Helwick Company's Bungalow Park Allotment No. 2 of part of Original

Euclid Township Track No. 14, as shown by the recorded plat in Volume 69 of Maps, Page 40 of Cuyahoga County Records, and being a triangular shaped parcel of land having a frontage of 127.88 on the Easterly curved side of Shelton Drive, N.E., and extending back 67.5 feet on the Northeasterly line, and 99.78 on the Southeasterly line, 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 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 May 3, 2004.

Effective May 7, 2004.

Ord. No. 272-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Dunlap Avenue 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 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). 135-04-033, 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. 135-04-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 35 feet of Sublot No. 56 in A. Townsend et al, Allotment of part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat in Volume 12 of Maps, Page 51 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Dunlap Avenue, S.E., and extending back of equal width 150 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed May 3, 2004.

Effective May 7, 2004.

Ord. No. 319-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of Group I, II, and III copiers and services for the various divisions of City government, for a period not to exceed five years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed five years of the necessary items of the procurement of the lease of Group I, II and III copiers and services, in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies in a manner to be determined by the Director of Finance such as purchase, lease with an option to purchase, rental, and cost-per-copy rental for the various divisions of City government. If the items are to be leased, then the leased maintenance term shall be for a period of no more than five years. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, 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 145986)

Section 3. That under Section 108(b) of the Charter, the procurements 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 procurement, 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 May 3, 2004.

Effective May 7, 2004.

Ord. No. 340-04.**By Council Member Jones.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Alonzo and Oakdale Avenues to Amistad Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 142-13-084, 142-17-019 and 142-17-020, as more fully described below, to Amistad Development Corporation.

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

P. P. No. 142-13-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in the S. H. Kleinman Realty Company's Miles Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Oakdale Avenue S.E. and extending back of equal width, 114.43 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 142-17-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 197 in the Miles Heights Subdivision of part of Original Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records. Said Sublot has a frontage of 40 feet on East 158th 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.

P. P. No. 142-17-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 198 in the Miles Heights Subdivision of part of Original Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records. Said Sublot has a frontage

of 40 feet on East 158th 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 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 May 3, 2004.

Effective May 7, 2004.

Ord. No. 353-04.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Belinda Marie Hill.

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 Ordina-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-05-045 and 119-05-046, as more fully described below, to Belinda Marie Hill.

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

P. P. No. 119-05-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of Sublot No. 34 in the P.H. Babcock's Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 37th Street (formerly Brookfield Street) and extending back 170 feet on the Northerly line, 170.19 feet on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-05-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 38.50 feet front and rear of Sublot No. 33 in P.M. Babcock's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records, and being 38.50 feet front on the Easterly side of East 87th Street (formerly Brookfield Street), and extending back 169.83 feet on the Northerly line, 170 feet on the Southerly line, having a rear line of 38.50 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 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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 354-04.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to LLLJ, LTD.

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). 105-16-001, as more fully described below, to LLLJ, LTD.

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

P. P. No. 105-16-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in W.J. Crawford's Re-Subdivision of part of Hoyt and Taylor's Subdivision of part of Original One Hundred Acre Lot Nos. 347 and 349, as shown by the recorded plat of said Re-Subdivision in Volume 13 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 70th Street (formerly Hoyt Avenue), and extending back of equal width 167 feet deep, as appears by said plat.

Subject to zoning ordinances, if any.

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and

shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed May 3, 2004.
Effective May 7, 2004.

Ord. No. 418-04.

By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the Ohio Emergency Management Agency, in cooperation with the Ohio Environmental Protection Agency for the State Homeland Security Grant Program, Critical Infrastructure Protection 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 Utilities is authorized to apply for and accept a grant in an amount up to \$5,000,000, and any other funds that may become available during the grant term, from the Ohio Emergency Management Agency, in cooperation with the Ohio Environmental Protection Agency to conduct the State Homeland Security Grant Program, Critical Infrastructure Protection 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 grant letter contained in the file described below.

Section 2. That the grant letter, File No. 418-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 421-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Fund, for a Clean Ohio Assistance Grant to conduct the remediation at the Prospect and Huron Buildings of the former Ameritrust complex located at East 9th Street and Euclid Avenue to be used for future development; and authorizing the Director to enter into one or more contracts with The Richard E. Jacobs Group, Inc. to implement the project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in an amount up to \$1,000,000, from the Clean Ohio Fund, for a Clean Ohio Assistance Grant to conduct the remediation at the Prospect and Huron Buildings of the former Ameritrust complex located at East 9th Street and Euclid Avenue to be used for future development, for the purposes described in the summary for the grant contained in the file described below. 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 summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 421-04-A, made a part as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with The Richard E. Jacobs Group, Inc. to implement the remediation project as described in the summary.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

Passed May 3, 2004.
Effective May 4, 2004.

Ord. No. 531-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of DARE items for the 2003-04 school year, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of DARE items for the 2003-04 school year, 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 Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 145016)

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 536-04.

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 Mt. Sinai Health Care Foundation for the Benefits Checkup 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 \$30,000, and any other funds that may become available during the grant term from the Mt.

Sinai Health Care Foundation to conduct the Benefits Checkup 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. 536-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 543-04.

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

An emergency ordinance authorizing the Directors of Community Development and Aging to enter into one or more contracts with the Fairhill Center for Aging for the operation of a safe house program for seniors.

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

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

Section 1. That the Directors of Community Development and Aging are authorized to enter into one or more contracts with the Fairhill Center for Aging for the operation of a safe house program for seniors.

Section 2. That the cost of the contract or contracts shall not exceed \$10,000 and shall be paid from Fund No. 14 SF 028, Request No. 125757.

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 580-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide economic development assistance to partially finance the purchase of personal property and to make interior leasehold improvements to the property located at 1500 West 3rd Street, and all other associated costs to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide economic development assistance to partially finance the purchase of personal property and to make interior leasehold improvements to the property located at 1500 West 3rd Street, and all other associated costs to redevelop the property.

Section 2. That the terms of the loan and conditional grant shall be according to the terms set forth in the Summary contained in File No. 580-04-B.

Section 3. That the costs of the contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund Nos. 17 SF 008 and 12 SF 954, which funds are appropriated for this purpose, Request No. 103616.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006 and 12 SF 958.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction. The agreement authorized by this ordinance shall require Education Loan Servicing Corporation to have on staff during the term of the agreement at least one representative in Cleveland to answer, in person, the questions of student borrowers utilizing the services of Education Loan Services Corporation and to assist them with the completion of forms, and to accept referrals from members of Council for the same purposes.

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

Passed May 3, 2004.
Effective May 7, 2004.

Ord. No. 581-04.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. to provide for a ten-year, seventy-five percent tax abatement for certain tangible personal property located at 1500 West 3rd Street in the Cleveland Area Enterprise Zone.

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

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

Whereas, Education Loan Servicing Corporation, a wholly-owned subsidiary of the Education Lending Group, Inc. (the "Enterprise") has proposed to invest, locate, and expand its loan servicing operations at 1500 West 3rd Street in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain tangible personal property were not abated; and

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

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, seventy-five percent (75%) tax abatement for certain tangible personal property; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 581-04-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any

entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest. The agreement authorized by this ordinance shall require Education Loan Servicing Corporation to have on staff during the term of the agreement at least one representative in Cleveland to answer, in person, the questions of student borrowers utilizing the services of Education Loan Services Corporation and to assist them with the completion of forms, and to accept referrals from members of Council for the same purposes.

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 May 3, 2004.
 Effective May 7, 2004.

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 Service 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 139522)

Section 3. 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 Service 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 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 May 3, 2004.
 Effective May 7, 2004.

Ord. No. 619-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of rock salt, 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 Streets, 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. The Director of Public Service

Ord. No. 620-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal controllers and equipment necessary for a city-wide upgrade of traffic controls, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of traffic signal controllers and equipment necessary for a city-wide upgrade of traffic controls, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the

items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service 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 Service 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 139746)

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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 621-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of crack sealing material, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of crack sealing material, 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 Streets, 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. The Director of Public Service 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 Service 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 139520)

Section 3. 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 Service 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 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 May 3, 2004.
Effective May 7, 2004.

Ord. No. 789-04.

By Council Member Lewis.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Consortium for Economic and Community Development for the New Day in Hough Food Distribution Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective May 8, 2004 to June 30, 2004 with the Consortium for Economic and Community Development for the New Day in Hough Food Distribution Program for the public purpose of providing food for low-income Cleveland residents through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 3, 2004.
Effective May 7, 2004.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, May 10, 2004
9:30 a.m.**

Public Parks, Property & Recreation Committee: Present in Parks: Johnson, Chair; White, Vice Chair; Dolan, Jones, Rybka, Sweeney. *Authorized Absence:* Cimperman.

11:00 a.m.

Employment, Affirmative Action and Training Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair; Cintron, Coats, Reed, Polensek. *Authorized Absence:* Johnson.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Pierce Scott, Reed, Westbrook, White.

3:00 p.m.

Joint: Public Service, Public Utilities and Finance Committees: Present in Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady. *Authorized Absence:* Johnson.

Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Jones, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Cintron.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Pierce Scott, Reed, Westbrook, White.

**Tuesday, May 11, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Coats, Reed, Pierce Scott, Lewis, Zone, Cintron. *Authorized Absence:* Jones.

**Wednesday, May 12, 2004
10:00 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Cimperman, Coats, Conwell, White, Zone. *Authorized Absence:* Jones.

1:30 p.m.

City Planning Committee: Present in Planning: Cimperman, Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook. *Authorized Absence:* Rybka, Vice Chair.

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