

The City Record

Official Publication of the City of Cleveland

June the Nineteenth, Nineteen Hundred and Ninety-Six

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	4300 West 143rd Street	44135
21	David McGuirk	17101 Amber Drive	44111

Clerk of Council-Artha Woods, 216 City Hall, 664-2840.
First Assistant Clerk-Sandra Franklin.

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

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

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

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

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

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5600 Carnegie Avenue.
Streets - Randall T. Scott, Commissioner, Room 25
Engineering and Construction - J. Christopher Nielson, Acting
Commissioner, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, Commissioner, Harvard
Yards
Architecture - Kenneth Nobilio, Commissioner, Room 517

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1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural
Building, 1925 St. Clair Avenue
Environment - Carolyn Wallace, Acting Commissioner, Mural Building,
1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
field Road

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

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

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

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

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

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

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

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

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

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Timothy J. Cosgrove, Member.

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Stokes, Asst. Sec'y.; Kathryn Burrer Hyer, Director; President of Council
Jay Westbrook.

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Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony
Petkovsek, Anthony Costanzo, Sec'y.

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

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Jordan; Pres. Finance Director, Kathryn Burrer Hyer, Director Sec'y.
Council President Jay Westbrook.

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

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

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

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Chairman; Clint Martin, Mark Rivera.

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

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J. Gilbert Steele, Laszlo V. Kemes, Secretary.

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, JUNE 19, 1996

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CITY COUNCIL

TUESDAY, JUNE 18, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio June 18, 1996.
The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.
Councilmen present: Coats, Jackson, Lewis, McGuirk, Melena, Miller, Patton, Paulenske, Polensek, Robinson, Rybka, Smith, Westbrook, White, Willis, Zone.
Also present were Mayor White and Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Axelrod, Willis, Morrison and Acting Director Whitner.

The Chair dispensed with the Prayer and Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1142-96.
From the Department of Public Safety re: Law Enforcement Trust Fund, Case No. #18-95-0039. Received.

File No. 1143-96.
From the Division of Purchases and Supplies re: Emergency Requisitions - RE-089105, RE-089106, RE-089107, RE-089108, RE-089109. Received.

File No. 1144-96.
From the Village of Woodmere re: Resolution No. 1996-20 opposing Cleveland Water Department's proposed rate increase. Received.

File No. 1145-96.
From the Office of Catholic Education re: Summer Food Service Program. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1146-96.
Re: Transfer of Location Application - 4580028 - Kendrick Lounge, Inc. dba Club 123, 3071-77 East 123rd Street. (Ward 4). Received.

File No. 1147-96.
Re: New Application - 8518576 - Station Snack Shoppe, Inc. dba Station Snack Shoppe, 1431 Chester Avenue. (Ward 13). Received.

File No. 1148-96.
Re: Transfer of Ownership Application - 9974419 - Zurub, Inc. dba Hilton Market, 3893 West 23rd Street, first floor and basement. (Ward 15). Received.

File No. 1149-96.
Re: New Application - 87372580015 - Deborah L. Swet dba Liberty Deli Mart, 8806 Almira Avenue. (Ward 18). Received.

File No. 1150-96.
Re: Transfer of Ownership Application - 8018439 - Shafiq Corp. dba 7-Eleven Food Store #56656, 4075 Rocky River Drive. (Ward 21). Received.

File No. 1151-96.
Re: Transfer of Ownership Application - 4443227 - Kaiser Food Market, Inc. dba Annie's Food Mart, 3258 East 140th Street. (Ward 4). Received.

File No. 1152-96.
Re: Stock Application - 5928502 - Midtown Leader Drug, Inc., 5405 Euclid Avenue. (Ward 5). Received.

File No. 1153-96.
Re: Stock Application - 8859739 - Theatrical Quarters, Inc., first and second floor bars, 711-15 Vincent Avenue. (Ward 13). Received.

File No. 1154-96.
Re: Transfer of Ownership Application - 7315819 - Revenue, Inc., 5200 Memphis Avenue. (Ward 15). Received.

STATEMENT OF WORK ACCEPTED

File No. 1155-96.
From the Department of Port Control re: Contract No. 47652 for the installation and replacement of curbing, apron and ramps for the handicapped, and other concrete work. Received.

OATH OF OFFICE

File No. 1156-96.
Oath of Office for Margaret A. Downing, Commander of Human Resources. Received.

File No. 1157-96.

Oath of Office for Martin L. Flask, Deputy Chief of Field Operations. Received.

File No. 1158-96.

Oath of Office for Lloyd L. Bratz, Commander of Community Policing. Received.

REPORT**File No. 1159-96.**

From the Cleveland Foundation re: 1995 Annual Report. Received.

File No. 1160-96.

From the Northeast Ohio Regional Sewer District re: Environmental/Legislative Issues and Funding. Received.

PLAT**File No. 1236-96.**

By Councilman Paulenske. Kirkham Place. (Ward 13). Subdivision Plat of Lot No. 3.

Bearing the approvals of the Directors of Public Service, City Planning Commission. Referred to Committees on Public Service, City Planning. Received.

CONDOLENCE RESOLUTION

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

Res. No. 1237-96. Willie I. Kimble.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1238-96. Reynolds Family Reunion.

Res. No. 1239-96. First Bethel Missionary Baptist Church.

Res. No. 1240-96. Smith/Fields Family Reunion.

Res. No. 1241-96. Francis T. Matese, Eagle Scout.

Res. No. 1242-96. Office Paul Burgo.

Res. No. 1243-96. Delores Cooper-Anthony.

Res. No. 1244-96. Butler-Green Family Reunion.

RESOLUTIONS OF RECOGNITION

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

Res. No. 1245-96. Julian C. Madison, P.E.

Res. No. 1246-96. Officer David M. Kornatowski.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1161-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites in Buckeye neighborhood on Crestwood, Grandview, Shale, Hulda and Auburn Avenues to Buckeye Area Development Corporation or its 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. 128-01-002, as more fully described in Section 2 below, to Buckeye Area Development Corporation or its 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. 128-01-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 132 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 36.78 feet front on the Southeasterly side of Woodhill Road, S.E., and extending back 104.44 feet on the Northerly line, 118.55 feet on the Southerly line, and having a rear line of 34.01 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-011, as more fully described in Section 4 below, to Buckeye Area Development Corporation or its designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 128-01-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 85 in Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Southwest corner of said Subdivision 85; thence running Northerly along the Easterly line of Woodhill Road, S.E., 37.90 feet; thence Easterly, 167.73 feet to the Easterly line thereof; thence Southerly along the Easterly line of said Sublot No. 85, 35 feet to the Southeasterly corner thereof; thence Westerly along the Southerly line of said Sublot No. 85, 182.26 feet the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 128-01-012, as more fully described in Section 6 below, to Buckeye Area Development Corporation or its designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 128-01-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot No. 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Grandview Avenue, S.E., at a point 70 feet Westerly from the Northeasterly corner of said Sublot No. 2; thence Westerly along the Southerly line of Grandview Avenue, S.E., 48.87 feet to the intersection of the Southerly line of Grandview Avenue, S.E., with the Southeasterly line of Woodhill Road, S.E.; thence Southwesterly along the Southeasterly line of Woodhill Road, S.E., about 70.50 feet to a point which is five feet Northerly at right angle distance from the Southerly line of said Sublot No. 2; thence Easterly parallel with the Southerly line of said Sublot No. 2, 75.86 feet to a point, 70 feet Westerly of the Easterly line of said Sublot No. 2; thence Northerly parallel with the Easterly line of said Sublot No. 2, 65 feet the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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. 128-01-013, as more fully described in Section 8 below, to Buckeye Area Development Corporation or its designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 128-01-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 1 and part of Sublot No. 2 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and bounded and described as follows:

Beginning in the line of Woodhill Road, S.E., at the Southwest corner of said Sublot No. 1; thence Easterly along the Southerly line of said Sublot No. 1, 162.47 feet the Southeast corner thereof; thence Southerly along the Easterly line of said Sublot No. 1, 35 feet to the Northeast corner thereof; thence Westerly along the Northerly line of said Sublot No. 1, 35 feet; thence Northerly at right angles to said Northerly line of Sublot No. 1, 5 feet; thence Westerly parallel with said Northerly line of Sublot No. 1 and 5 feet Northerly at right angles therefrom, about 110.86 feet to the Easterly line of Woodhill Road, S.E., about 43.19 feet the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Easement recorded in

Volume 7470, Page 576 of Cuyahoga County Records.

Subject to Easement recorded in Volume 7619, Page 3 of Cuyahoga County Records.

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 Nos. 128-01-016 and 128-01-017, as more fully described in Section 10 below, to Buckeye Area Development Corporation or its designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 128-01-016 and 128-01-017

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. 425 and part of Block A in Z.M. and S. Bigelow's Allotment of part of Original One Hundred Acre Lot No. 425 and 426, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Woodhill Road, S.E., (80 feet wide) at this point of intersection with the Northeasterly line of Shale Avenue, S.E., (50 feet wide), then Northeasterly along said Southeasterly line of Woodhill Road, S.E., 38.84 feet to the Southwesterly corner of land conveyed to Rose Diamond deed dated March 19, 1928 and recorded in Volume 3595, Page 559 of Cuyahoga County Records, thence Westerly along the Southerly line of land so conveyed to Rose Diamond, 129.14 feet the Westerly line of land conveyed to Jozsef and Helen Horvath by deed dated March 11, 1922 and recorded in Volume 2613, Page 543 of Cuyahoga County Records, thence Southerly along said Westerly line of land so conveyed to Jozsef and Helen Horvath about 36 feet to the Northerly line of said Block A, thence Easterly along said Northerly line of Block A about 119.71 feet to the Northwesterly corner of land conveyed to Gizella Meiny by deed dated March 20, 1928 and recorded in Volume 3594, Page 224 of Cuyahoga County Records, thence Southerly along the Westerly line of land so conveyed to Gizella Meiny, 97 feet to the Northerly line of Shale Avenue, S.E., as aforesaid, thence Northeasterly along said Northeasterly line of Shale Avenue, S.E., about 280.12 feet to the place of beginning and part of the above described premises being further known as part of Sublot No. 1 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-039, as more fully described in Section 12 below, to Buckeye Area Development Corporation or its designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 128-01-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 418 and 426 and bounded and described as follows:

Beginning on Original Ten Acre Lot. Southerly line of Hulda Avenue, S.E., 45 feet wide (said Southerly line being parallel to and distant 108 feet Northerly, measured at right angles from the Northerly line of land conveyed to W.W. Waller by deed recorded in Volume 138, parallel 243 of Cuyahoga County Records) at a point 660 feet Easterly from its point of intersection with the Easterly line of Woodhill Road, S.E., thence Southerly at right angles to Hulda Avenue, S.E., 108 feet to the Northerly line of land so conveyed to W.W. Waller; thence Easterly along said Northerly line of land so conveyed to W.W. Waller as aforesaid, 40 feet; thence Northerly at right angles to Hulda Avenue, S.E., 108 feet to the Southerly line of Hulda Avenue, S.E., thence Westerly along said Southerly line of Hulda Avenue, S.E., 40 feet to the place of beginning, and being further known as Sublot No. 12 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, be the same more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-044, as more fully described in Section 14 below, to Buckeye Area Development Corporation or its designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 128-01-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E., as conveyed to the City of Cleveland for street purposes, by deed dated May 1, 1897 and recorded in Volume 668, Page 376 of Cuyahoga County Records, at a point distant Easterly, measured along said Southerly line, 460 feet from its point of intersection with the Easterly line of Woodhill Road, S.E.; thence Easterly along said Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly at right angles to the Southerly line of Hulda Avenue, S.E., 108 feet, thence Westerly parallel with the Southerly line of Hulda Avenue, S.E., 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 12 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-046, as

more fully described in Section 16 below, to Buckeye Area Development Corporation or its designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 128-01-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 418 and 426, bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E., (formerly Westlake Avenue), the Southerly line of which is parallel with and 108 feet Northerly from the Northerly line of land deeded by R.H. Leonard to W.W. Waller, March 1, 1866, at a point on said Southerly line of Hulda Avenue, S.E., 380 feet Easterly from the intersection with the Easterly line of Woodhill Road, (formerly Woodland Hills Avenue); thence Easterly along the Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly at right angles to Hulda Avenue, S.E., 108 feet to the Northerly line of land deeded by R.H. Leonard to W.W. Waller; thence Westerly along said last named line, 40 feet; thence, 108 feet to the place of beginning, and being further known as Sublot No. 10 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, 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. 128-01-049, as more fully described in Section 18 below, to Buckeye Area Development Corporation or its designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 128-01-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 418 and 426, bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, (formerly known as Westlake Avenue) a proposed Street 45 feet wide, the Southerly line which is parallel to and 108 feet North of the Northerly line of land deeded by R.H. Leonard to W.W. Waller, March 1, 1866, at a point on said Southerly line of Hulda Avenue, 260 feet Easterly from the intersection with the Easterly line of Woodhill Road, (formerly known as Woodland Hills Avenue); thence Easterly along the Southerly line of Hulda Avenue, 40 feet; thence Southerly at right angles to Hulda Avenue, 108 feet to the Northerly line of land so deeded to Waller; thence Westerly along the Northerly line of land so deeded to Waller, 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 7 in Henry H. Johnson's proposed Subdivision of a part of Original One Hundred Acre Lot Nos. 418, 417, 425 and 426 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. 128-01-050, as more fully described in Section 20 below, to Buckeye Area Development Corporation or its designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 128-01-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 418 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E., said Southerly line being parallel to and distant 108 feet Northerly measured at right angles from the Northerly line of land conveyed to W.W. Waller by deed recorded in Volume 138, Page 243 of Cuyahoga County Records at a point on said Southerly line distant 220 feet Easterly from its point of intersection with the Easterly line of Woodhill Road, S.E.; thence Easterly along said Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly at right angles with said Southerly line of Hulda Avenue, S.E., 108 feet to the Northerly line of land conveyed to W.W. Waller; thence Westerly along the Northerly line of land conveyed to W.W. Waller, 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 6 in Henry M. Johnson proposed Subdivision.

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. 128-01-051, as more fully described in Section 22 below, to Buckeye Area Development Corporation or its designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 128-01-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426 and bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E., (said Southerly line be parallel to and distant 108 feet Northerly, measured at right angles, from the Northerly line of land conveyed by R.H. Leonard to W.W. Waller by deed recorded in Volume 138, Page 243 of Cuyahoga County Records, at a point on said Southerly line distant 180 feet Easterly from its point of intersection with Easterly line of Woodhill Road, S.E., thence Easterly along said Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly at right angles with said Southerly line of Hulda Avenue, S.E., 108 feet to the Northerly line of land so conveyed to Waller; thence Westerly along the Northerly line of land so conveyed to Waller, 40 feet; thence Northerly 108 feet to the place of beginning, and being further known as Sublot No. 5 in Henry H. Johnson's proposed Subdivision

of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426. 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. 128-01-052, as more fully described in Section 24 below, to Buckeye Area Development Corporation or its designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P.P. No. 128-01-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 417 and 425, bounded and described as follows:

Beginning on the Southerly line of Hulda Avenue, S.E., (formerly Westlake Avenue) as conveyed to the City of Cleveland for street purposes by deed dated May 1, 1897 and recorded in Volume 668, Page 376 of Cuyahoga County Records, at a point distant Easterly measured along said Southerly line of Hulda Avenue, S.E., 140 feet from its intersection with the Easterly line of Woodhill Road, S.E., (formerly Woodland Hills Avenue); thence Easterly along the Southerly line of Hulda Avenue, S.E., 40 feet; thence Southerly at right angles to the Southerly line of Hulda Avenue, S.E., 108 feet; thence Westerly parallel with the Southerly line of Hulda Avenue, S.E., 40 feet; thence Northerly in a direct line 108 feet to the place of beginning, being further known as Sublot No. 4 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, 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. 128-01-057, as more fully described in Section 26 below, to Buckeye Area Development Corporation or its designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 128-01-057

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. 418 and beginning on the Northerly line of Hulda Avenue, S.E., 241.69 feet Easterly from the Southeasterly line of Woodhill Road, S.E.; thence Easterly along said Northerly line of Hulda Avenue, S.E., 40 feet; thence Northerly at right angles with said Northerly line of Hulda Avenue, S.E., 99.21 feet to the Northerly line of land conveyed to Raymond E. Leonard by deed dated April 1, 1848, and recorded in Volume 42, Page 36 of Cuyahoga County Records; thence Westerly along the Northerly line of land conveyed to Raymond H. Leonard, 40 feet; thence Southerly 98.88 feet to the place of beginning and being further known as Sublot No. 86 in Henry E. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, be the same more or less, but

subject to all legal highways.

Subject to zoning ordinances, if any.

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. 128-01-059, as more fully described in Section 28 below, to Buckeye Area Development Corporation or its designee.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P.P. No. 128-01-059

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. 418 and bounded and described as follows:

Beginning on the Northerly line of Hulda Avenue, S.E., (formerly Westlake Avenue) as established by deed to the City of Cleveland recorded in Volume 668, Page 376 of Cuyahoga County Records, at a point 321.69 feet Easterly from its intersection with the Easterly line of Woodhill Road, S.E.; thence Northerly at right angles to the Northerly line of Hulda Avenue, S.E., 99.54 feet to the Northerly line of land formerly owned by R.M. Leonard; thence Easterly along said line of land Leonard's land 40.01 feet; thence Southerly parallel with the first described line 99.87 feet to the said Northerly line of Hulda Avenue, S.E.; thence Westerly along said line of Hulda Avenue, S.E., 40 feet to the place of beginning and being further known as Sublot No. 84 in Henry M. Johnson's Proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 425 and 426.

Subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-060, as more fully described in Section 30 below, to Buckeye Area Development Corporation or its designee.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P.P. No. 128-01-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 83 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426; Beginning on the Northerly line of Hulda Avenue, S.E., (45 feet wide), at a point on said Northerly line, 361.69 feet Easterly from the its intersection with the Easterly line of Woodhill Road, (80 feet wide); thence Northerly at right angles to Hulda Avenue, S.E., 99.87 feet to the Northerly line of R.H. Leonard land; thence Easterly along said Northerly line of R.H. Leonard land, 40.01 feet to a point; thence Southerly at right angles with Hulda Avenue, S.E., 100.20 feet to the Northerly line of Hulda Avenue, S.E.; thence Westerly, along said Northerly line of Hulda Avenue, S.E., 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 31. 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. 128-01-062, as more fully described in Section 32 below, to Buckeye Area Development Corporation or its designee.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P.P. No. 128-01-062

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. 418, bounded and described as follows:

Beginning on the Northerly line of Hulda Avenue, S.E., (formerly Westlake Avenue) 45 feet wide, (said Northerly line being parallel with and 153 feet Northerly from the Northerly line of land deeded by R.H. Leonard to W.W. Waller on March 1, 1866), at a point on said Northerly line of Hulda Avenue, S.E., 441.69 feet Easterly from the Easterly line of Woodhill Road, S.E., (formerly Woodland Hills Avenue); thence Easterly along the said Northerly line of Hulda Avenue, S.E., 40 feet; thence Northerly at right angles to said Hulda Avenue, S.E., 100.86 feet to the Northerly line of land formerly owned by R.H. Leonard; thence Westerly along said Leonard's Northerly line 40 feet to a stake; thence Southerly parallel with the Easterly line 100.53 feet to the place of beginning, and being further known as Sublot No. 81 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426, 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. 128-01-063, as more fully described in Section 34 below, to Buckeye Area Development Corporation or its designee.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P.P. No. 128-01-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 418, and bounded and described as follows:

Beginning on the Northerly line of Hulda Avenue, S.E., (formerly Westlake Avenue), (said Northerly line being parallel to and 153 feet Northerly from the Northerly line of land deeded by R.H. Leonard to W.W. Waller on March 1, 1866) at a point on said Northerly line of Hulda Avenue, 481.69 feet Easterly from the Easterly line of Woodhill Road, (formerly Woodland Hills Avenue), said point also being the Southeastly corner of land conveyed to Sarah Harkavy by deed dated April 6, 1922, and recorded in Volume 2506 of deeds, Page 162 of Cuyahoga County Records; thence Easterly along Northerly line of Hulda Avenue, S.E., 40 feet to the Southwestly line of land conveyed to Carlos F. Lang and Velma A. Lang by deed dates September 17, 1947 and recorded in Volume 6422 of deeds, Page 139 of Cuyahoga County Records; thence Northerly along the Westerly line of said land con-

veyed to Lang, 106.19 feet to the Northwestly corner of land conveyed to said Lang; thence Westerly about 40 feet to the Northeastly corner of land conveyed to said Harkavy; thence Southerly along the Easterly line of land conveyed to said Harkavy 100.86 feet to the place of beginning, and being further known as Sublot No. 80 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425, 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. 128-01-064, as more fully described in Section 36 below, to Buckeye Area Development Corporation or its designee.

Section 36. That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P.P. No. 128-01-064

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. 418, and bounded and described as follows:

Beginning on the Northerly line of Hulda Avenue, S.E., at a point 521.69 feet Easterly from its intersection with the Southeastly line of Woodhill Road, S.E., thence Easterly along the Northerly line of Hulda Avenue, S.E., 40 feet; thence Northerly at right angles to the Northerly line of Hulda Avenue, S.E., 101.51 feet to the Northerly line of land conveyed to Raymond H. Leonard by deed dated April 1, 1848 and recorded in Volume 42, Page 36 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Raymond H. Leonard, 40.0 feet; thence Southerly 101.19 feet to the place of beginning and being further known as Sublot No. 79 in Henry H. Johnson's proposed Subdivision of part of Original One Hundred Acre Lot Nos. 417, 418, 425 and 426.

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. 128-02-085, as more fully described in Section 38 below, to Buckeye Area Development Corporation or its designee.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P.P. No. 128-02-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 58 in Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat of said Subdivision in Volume 42 of Maps, Page 19 of Cuyahoga County Records. Said Sublot No. 58 has a frontage of 35 feet on the Northerly side of Grandview Avenue, S.E., and extends back between as appears by said plat, be the same more or less, but subject to all legal highways, line 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 128-02-086, as more fully described in Section 40 below, to Buckeye Area Development Corporation or its designee.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P.P. No. 128-02-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat of said Subdivision in Volume 42 of Maps, Page 19 of Cuyahoga County Records. Said Sublot No. 59 has a frontage of 35 feet on the Northerly side of Grandview Avenue, S.E., and extends back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-088, as more fully described in Section 42 below, to Buckeye Area Development Corporation or its designee.

Section 42. That the real property to be sold pursuant to Section 41 of this Ordinance is more fully described as follows:

P.P. No. 128-01-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known Sublot No. 4 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418 as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Grandview Avenue, S.E., and extending back between parallel lines 105 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 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. 128-01-112, as more fully described in Section 44 below, to Buckeye Area Development Corporation or its designee.

Section 44. That the real property to be sold pursuant to Section 43 of this Ordinance is more fully described as follows:

P.P. No. 128-01-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Crestwood Avenue, S.E., and extending back of equal width 105 feet, as appears by said plat, 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. 128-01-113, as

more fully described in Section 46 below, to Buckeye Area Development Corporation or its designee.

Section 46. That the real property to be sold pursuant to Section 45 of this Ordinance is more fully described as follows:

P.P. No. 128-01-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Crestwood Avenue, S.E., and extending back between parallel lines 105 feet deep, be the same more or less, but subject to all legal highways.

Subject to an easement recorded in Volume 4811, Page 299 of Cuyahoga County Records.

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. 128-01-119, as more fully described in Section 48 below, to Buckeye Area Development Corporation or its designee.

Section 48. That the real property to be sold pursuant to Section 47 of this Ordinance is more fully described as follows:

P.P. No. 128-01-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Crestwood Avenue, S.E., and extending back of equal width 105 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 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. 128-01-120, as more fully described in Section 50 below, to Buckeye Area Development Corporation or its designee.

Section 50. That the real property to be sold pursuant to Section 49 of this Ordinance is more fully described as follows:

P.P. No. 128-01-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in Benham's Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418 as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 40 feet front on the Southerly side of Crestwood Avenue, and extending back of equal width 105 feet as appears by said plat.

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. 128-01-122, as

more fully described in Section 52 below, to Buckeye Area Development Corporation or its designee.

Section 52. That the real property to be sold pursuant to Section 51 of this Ordinance is more fully described as follows:

P.P. No. 128-01-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 40 feet of Sublot Nos. 130 and 131 in Luna Heights Subdivision of part of Original One Hundred Acre Lot No. 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, together forming a parcel of land 40 feet front on the Northerly side of Crestwood Avenue, S.E., and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-123, as more fully described in Section 54 below, to Buckeye Area Development Corporation or its designee.

Section 54. That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P.P. No. 128-01-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 133 in the Luna Heights Subdivision of part of Original One Hundred Acre Lot Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Crestwood Avenue, S.E., and extending back 114.01 feet on the Westerly line, 114.02 feet on the Easterly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 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. 128-02-184, as more fully described in Section 56 below, to Buckeye Area Development Corporation or its designee.

Section 56. That the real property to be sold pursuant to Section 55 of this Ordinance is more fully described as follows:

P.P. No. 128-02-184

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in Bigelow Allotment of part of Original One Hundred Acre Lot Nos. 425 and 426, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Shale Avenue, Southeast and extending back of equal width 126 feet, as appears by said plat.

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. 128-02-185, as more fully described in Section 58 below, to Buckeye Area Development Corporation or its designee.

Section 58. That the real property to be sold pursuant to Section 57 of

this Ordinance is more fully described as follows:

P.P. No. 128-02-185

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 33-1/3 feet of Sublot No. 31 in Z.M. Bigelow's Subdivision of part of Original One Hundred Acre Lot Nos. 425 and 426, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 33-1/3 feet front on the Northerly side of Shale Street (now known as Shale Avenue Southeast) and extending back of equal width 126 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 59. 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 60. 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 61. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 62. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1162-96.

By Councilman Coats.

An emergency ordinance to amend Section 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976; and to repeal Section 305.09 thereof, both as amended by Ordinance No. 535-51, passed December 10, 1951; relating to the notice of failure to display building numbering and the penalty therefor.

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 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 535-51, passed December 10, 1951, is hereby amended to read as follows:

Section 305.99 Penalty

Whoever fails to comply with the provisions of Sections 305.05 or 305.08 shall be guilty of a minor misdemeanor and shall be fined not less than seventy-five dollars (\$75.00) and not more than one hundred dollars (\$100.00).

Section 2. That existing Sections 305.09 and 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976, both as amended by Ordinance No. 535-51, passed December 10, 1951, are hereby repealed.

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

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

Ord. No. 1163-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed thirty five computers and not to exceed four printers, for the Division of Engineering and Construction, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed thirty five (35) computers and not to exceed four (4) printers to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Engineering and Construction, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-40-04-0414, Request No. 21890.

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

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

Ord. No. 1164-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a east side maintenance facility at 6410-12 Central Avenue, for the Division of Parks, Recreation and Properties.

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

of a municipal department; now, therefore,

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing an east side maintenance facility:

JOHN BURROUGHS SITE
6410-12 CENTRAL AVENUE
PERMANENT PARCEL
NO.: 118-30-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157 in the W.S. & M.W. Chamberlain Subdivision of part of Original One Hundred Acre Lot Nos. 334 and 335 as shown by the recorded Plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 160 feet front on the Southerly side of Central Avenue, and extending back between parallel lines 400 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 323, Request No. 23052.

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

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

Ord. No. 1165-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or their designee, to provide economic development loan assistance in the form of a Community Development Block Grant float loan for the purchasing, rehabilitating or constructing of low income rental housing.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into a contract with Cleveland Housing Network, or

its designee, to provide economic development loan assistance in the form of a Community Development Block Grant float loan in the amount of \$3,500,000.00 to finance the purchase, rehabilitation or construction of low income rental housing in the City of Cleveland.

Section 2. That the terms of said loan shall be determined by the Director of Community Development in accordance with regulations, state and local law, and said Director is authorized to amend said terms, from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the cost of said contract shall be paid from Fund No. 14 SF 810, Request No. 23051.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of said loan. Any security instrument shall be approved by the Director of Law.

Section 5. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in the CDBG fund.

Section 6. That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from the CDBG fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction authorized hereunder.

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

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

Ord. No. 1166-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to execute an amendment to City Contract No. 40622 regarding a Master Development Agreement with Figgie International, Inc.

Whereas, pursuant to the authority of Ordinance No. 2197-88, passed by this Council on January 30, 1989, the City of Cleveland executed a Master Development Agreement known as City Contract No. 40622 (the "MDA") by and between the City and Figgie International, Inc.; and

Whereas, on January 31, 1990, Figgie International, Inc. assigned its rights under the MDA to Figgie Properties, Inc.; and

Whereas, on or about May 25, 1995, Chagrin Highlands, Ltd., an Ohio limited liability company, was formed by Figgie International, Inc., Jacobs Development Co. and JVJ Corp. for the purpose of devel-

oping the Chagrin Highlands project pursuant to the terms of the MDA; and

Whereas, the City and Chagrin Highlands, Ltd. are now desirous of amending the terms of the MDA to incorporate certain terms agreed upon by the parties; and

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

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

Section 1. That the Director of Economic Development is authorized to execute an amendment to City Contract No. 40622 (the "MDA") which amendment shall contain provisions substantially in accordance with the following:

(a) The Exhibit List of the MDA is amended to add the following additional Exhibits:

V Vision Statement
W Northwest Quadrant

(b) The third "WHEREAS" clause is amended to read as follows:

Whereas, Figgie International Inc., a Delaware corporation ("Figgie International"), proposes to move its corporate headquarters to the Cleveland area, and has agreed to lease or purchase the Property and develop it on the terms and subject to the conditions set forth in this Agreement; and

(c) The following new seventh, eighth and ninth "WHEREAS" clauses are added to the MDA:

Whereas, on January 31, 1990, Figgie International assigned its rights under this Agreement to Figgie Properties Inc., a Delaware corporation ("Properties"); and

Whereas, the City and Figgie International and Properties have agreed that all of the rights and obligations of Figgie International and Properties under this Agreement shall be assigned to Chagrin Highlands, Ltd., an Ohio limited liability company, the members of which are Properties (50%), Jacobs Chagrin Highlands, Ltd., an Ohio limited liability company, (49%) and JG Chagrin, Ltd., an Ohio limited liability company, (1%) and that Chagrin Highlands, Ltd. shall be the Developer for all purposes of this Agreement

Whereas, in June, 1996 the parties entered into a Settlement Agreement (the "Settlement Agreement") concerning certain issues related to the rights and obligations under this Master Agreement.

(d) The consideration paragraph of the MDA is amended to read as follows:

Now, therefore, for good and valuable consideration, including, without limitation, the covenants and agreements hereinafter set forth, the receipt and adequacy of which are hereby acknowledged, Figgie International Inc. a Delaware corporation, Chagrin Highlands, Ltd., an Ohio limited liability company, and the City do hereby agree as follows:

(e) Section 1, Definitions, is amended to revise the definitions of "Expiration Date," "Headquarters Occupancy Date," and "Ohio Relocation Condition" to read as follows and to add new definition for "Big Box Retail" and "Entertainment Establishments":

"Big Box Retail" shall mean an individual establishment, the principal purpose of which is the retail sale of goods to patrons, which exceeds fifty thousand (50,000) square feet in Building Square Footage; provided that Entertainment Establishments shall be excluded from this definition of "Big Box Retail".

"Developer" shall mean Chagrin Highlands, Ltd.

"Entertainment Establishments" shall mean individual establishments, the principal purpose of which is the provision of entertainment or amusement to patrons such as cinemas, theaters, food courts, theme restaurants, ice skating rinks or similar establishments;

"Expiration Date" shall mean December 31, 2038, or such earlier termination of this Master Agreement as otherwise provided herein; provided, however, that although it is the intention of the parties hereto, as creators of the interests hereby created, that the following definition shall control the meaning of the term "Expiration Date", in the event the rights and interests hereby created are determined by a court of competent jurisdiction to be subject to any statute against perpetuities (including, without limitation, the provisions of Ohio Revised Code Section 2131.08) or any common law rule against perpetuities, the parties acknowledge and agree that "Expiration Date" shall mean the earliest of (i) December 31, 2038; (ii) the twenty-first (21st) anniversary of the death of the survivor of the now living linear descendants of Mercedes Cotner, Clerk of the Council of the City; or (iii) such earlier termination of this Master Agreement as otherwise provided herein;

"Headquarters Occupancy Date" means the date Figgie International has achieved substantial completion of its headquarters building on the Property and has occupied such building as its corporate headquarters;

"Ohio Relocation Condition" shall mean relocation by Figgie International of Figgie International's corporate headquarters to Cuyahoga County or Lake County, State of Ohio;

f) Section 2.1 (a)(iii) of the MDA is amended to read as follows:

(iii) from the date of satisfaction of the Higher Conditions Precedent (the "Full Building Date"), the Building Requirement shall be to achieve Complete Construction of Building Square Footage on the Property of not less than a cumulative total of 198,500 for each year elapsed from the Zone Access Date (and a cumulative total of 1,389,500 for each ten-year period elapsed from the Zone Access Date), except that less (to zero) than the above stated annual minimum Building Square Footage may occur for any three (3) years in each such ten (10) year period, but such permitted years of less than the above stated annual minimum Building Square Footage Requirement shall not reduce the cumulative total required for each ten (10) year period elapsed as set forth above.

(g) A new Section 2.1(e) is inserted in the MDA:

(e) Developer and the City share a common vision for the development of the Property, the terms of which are set forth in Exhibit V (the "Vision Statement"). The par-

ties agree and acknowledge that the Vision Statement is a statement of the mutual goals and aspirations of the parties with respect to the development of the Property and except as otherwise specifically provided in this Master Agreement, the Vision Statement does not create any additional, or modify any existing, rights remedies or obligations for any party. The Vision Statement does not modify the Building Requirement set forth in Section 2(a). The City and Developer agree that they will mutually cooperate and consent to any amendments to existing zoning requirements or restrictions that may be necessary to undertake the development of the Property in accordance with the Vision Statement.

(h) Section 3.1(a) of the MDA is amended to read as follows:

(a) The City hereby acknowledges that it is the owner of all improvements (other than the antenna owned by the County of Cuyahoga, the equipment and other property owned by the operation Leases lessee, the Driving Range Lease lessee and the equipment owned by the operators of the model airplane facility located on the Property. The City hereby authorizes Developer to and Developer (i) shall (no later than thirty (30) days after the date that the Interchange is completed and becomes fully open to the public) commence demolition of the main Hospital Site building, the Benesch apartment building and all other improvements located on or associated with the Hospital Site, the Benesch Apartment building and the Cuyahoga County antenna (including without limitation those listed or shown on Exhibit E), and place the Hospital Site, the Benesch Apartment building, and Cuyahoga County antenna site in substantially level condition; (ii) shall proceed with due diligence to complete such demolition within eighteen months (18) after commencing such demolition; and (iii) shall complete such demolition within eighteen (18) months after commencement of same. After Developer has completed such demolition, Developer shall submit to the City either:

(i) a certification by either a Registered Architect, licensed to practice such profession in Ohio, or a licensed Professional Engineer, licensed to practice such profession in Ohio, in either event being an architect or engineer as to whom the City has no reasonable objections, certifying to the City that the demolition required to be done as set forth above has been completed and completed in accordance with all applicable laws, ordinances, and governmental regulations; or

(ii) an acknowledgment by the building department of the Annexing Municipality to which the Hospital Site, Benesch Apartment building and Cuyahoga County antenna site have been annexed acknowledging that the demolition has been completed and completed in accordance with all applicable laws, ordinances, and governmental regulations;

(Either of such being delivered is hereinafter referred to as the "Demolition Certification").

(i) A new Section 3.1 (f) is inserted in the MDA:

(f) Developer shall not undertake, without the City's express written consent: (i) any purchase, lease or

development of the "Northwest Quadrant" (the specific area of which is outlined on Exhibit W), until the Developer has completed its demolition obligations as described in 3.1(a); or (ii) any solicitation of National City Bank, Med-Immune, or Cleveland Range (and/or their affiliates, subsidiaries and related entities); provided that, with respect to other prospective purchasers or tenants, City and Developer agree that each may pursue potential purchasers or tenants independently and shall respect such purchasers' or tenants' right to make their own choices between Chagrin Highlands and Cleveland Enterprise Park.

(j) New Sections 3.2(c) and 3.2(d) are inserted in the MDA:

(c) Developer shall disclose to the City any material changes in the credentials of any member of the development team, which for purposes of this section shall mean the members of Developer. Any disclosure required pursuant to this Section shall be made within thirty (30) days after the occurrence of any such material change. Developer shall provide to the City within sixty (60) days after the end of each calendar year during this Master Agreement the annual report regarding the development described in the Vision Statement. Developer shall provide to the City within sixty (60) days after the end of each five year period during this Master Agreement (commencing with the five year period that begins on January 1, 1997) the Progress Report described in the Vision Statement.

(d) Developer agrees that it shall cooperate with the City by permitting the City or its designees to monitor, to the extent necessary to determine Developer's compliance with this Master Agreement, the progress of the development of the Property, and to provide such monitors with reasonable access to any information necessary to determine such compliance.

(k) Section 4.4(b) of the MDA is amended to read as follows:

(b) In the event Developer exercises its rights to cause the City to sell a Parcel of Reserved Land with an area of 25 acres or less and designates in the exercise notice given pursuant to Section 4.2(b) that such Parcel is the "Headquarters Parcel," such Parcel shall be referred to as the "Headquarters Parcel" and the provisions of subsection 4.4(a) shall be applicable to such Parcel only as revised by the provisions of this subsection (b). Designation of such a Parcel as the Headquarters Parcel shall be a statement of intent by Figgie International to cause its corporate headquarters to be constructed on such Parcel. In the event of such designation, the provisions of subsection 4.4(a) shall be applicable to the Headquarters Parcel only with the following revisions:

(i) the phrase "the second anniversary date of the Closing of the sale of such Parcel" shall be replaced with the words "June 30, 1996";

(ii) the phrase "the fourth anniversary date of such Closing" shall be replaced with the words "June 10, 1998";

(iii) the phrase "the fifth anniversary date of such Closing" shall be replaced with the words "June 30, 1999";

(iv) the phrase "forty-eight (48) months after the Closing of such Parcel's original sale" shall be replaced with the words "June 30, 1998";

(v) the phrase "sixty (60) months after the Closing of such Parcel's original sale pursuant to this Master Agreement" shall be replaced with the words "June 30, 1999."

(l) Sections 7.1(f) and 7.1(g) of the MDA are amended to read as follows:

(f) Notwithstanding any provisions contained in subsection 2.2, in the event Figgie International has not achieved Complete Construction of its corporate headquarters, which was Under Development on the Property before June 30, 1994, on or before thirty (30) months after the period commencing ninety (90) days after the later of (i) _____, 1996; or (ii) the date on which a building permit is issued for the construction of Figgie International's corporate headquarters, which permit Figgie International shall apply for or cause to be applied for by _____, 1996, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given unless on or before such time Figgie International remedies such failure.

(g) In the event Figgie International relocates to Ohio and thereafter moves its corporate headquarters to a location in neither Cuyahoga County nor Lake County, State of Ohio.

(m) New Sections 7.1 (h), (i), (j), (k) and (l) are inserted in the MDA:

(h) In the event Developer constructs on the Property (i) a regional shopping mall; (ii) Building Square Footage (inclusive of Entertainment Establishments) in excess of two hundred fifty thousand (250,000) square feet the principal purpose of which is the retail sale of goods to patrons; (iii) Big Box Retail, or (iv) any Entertainment Establishment in excess of seventy-five thousand (75,000) square feet of Building Square Footage, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given on or before such time Developer remedies such conditions.

(i) In the event Developer constructs more than one thousand (1000) hotel rooms on the Property, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given unless on or before such time Developer remedies such conditions.

(j) In the event Developer constructs on the Property Building Square Footage in excess of five hundred thousand (500,000) square feet of warehouse space on the Property, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given unless on or before such time Developer remedies such condition.

(k) In the event Developer fails

to maintain at least 30% of any Tract as Open Space, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given unless on or before such time Developer remedies such condition. "Open Space" shall mean the total area of a Tract excluding any surfaces covered by the footprint of a building or paved vehicular surfaces.

(l) In the event that Developer has not constructed Building Square Footage of at least Two Million Eight Hundred Thousand (2,800,000) square feet of corporate facilities prior to December 31, 2038, the City may, by written notice, elect to terminate this Master Agreement, such termination to be effective as of the date of such notice.

(n) Section 7.2(b) of the MDA is amended to read as follows:

(b) In the event the Utility Condition Phase II has not been satisfied on/or before December 31, 1999, the Developer may, at any time thereafter prior to the satisfaction of such condition, by written notice to the City, elect to terminate this Master Development Agreement, such termination to be effective as of the one hundred eightieth (180th) day after such notice is given, unless on or before such date such conditions are satisfied.

(o) Section 7.4 of the MDA is amended to read as follows:

7.4 Interchange Condition. In the event the Interchange Condition has not been satisfied on or before December 31, 2000, the Developer may, by written notice to the City (the "Interchange Condition Notice") elect to terminate this Master Agreement pursuant to Section 7.1 herein, such termination to be effective as of the 180th day after the Interchange Condition Notice is given.

(o) Section 9.5(b) of the MDA is amended to read as follows:

(b) Communications concerning Developer shall be addressed (the "Developer's Notice Address") to:

Chagrin Highlands, Ltd.
25425 Center Ridge Road
Cleveland, Ohio 44145-4122
Attention: Richard E. Jacobs

With copies to:

Jacobs Chagrin Highlands, Ltd.
25425 Center Ridge Road
Cleveland, Ohio 44145-4122
Attention: Richard E. Jacobs

And:

Figgie Properties Inc.
4420 Sherwin Road
Willoughby, Ohio 44094
Attention: Jerome M. Ferstman

(p) Section 9.7 of the MDA is amended to read as follows:

9.7 Successors and Assigns. The terms, covenants, and conditions contained in this Master Agreement shall bind and inure to the benefit of City and Developer and their respective successors and assigns. Developer covenants and agrees not to assign this Master Agreement without the prior consent of City, but such agreement shall not limit or restrict Developer's rights to name nominee(s) or designee(s) pursuant to the Purchase Procedure

or the Lease Procedure. Developer shall not permit the transfer of a membership interest in Developer to any person, firm or entity without the prior written consent of the City, except that no such consent is required for transfers of such membership interests between and among the members of Developer. Developer shall provide notice to the City of any change in the identity or ownership interest of the members of Developer, including changes resulting from transfers among the members of Developer which may be made without the consent of the City.

(q) Section 9.8 of the MDA is amended to read as follows:

9.8 Manager and Amendment. This Master Agreement, the Settlement Agreement and the documents to be delivered thereunder constitute the entire agreement between the parties hereto pertaining to the subject matter hereof and supersede all prior and contemporaneous negotiations, agreements and understanding of the parties. No supplement, modification, waiver or termination of this Master Agreement shall be binding unless executed in writing by the party to be bound thereby.

Section 2. That the Director of Economic Development, Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the amendment authorized by this Ordinance.

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

Ord. No. 1167-96.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of Jennings Road, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at Jennings Road is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will

encourage development in the area located at Jennings Road and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the area located at 4221 Jennings Road (Permanent Parcel No. 009-33-005 and 009-33-006) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code.

Section 3. That the construction of approximately 110 new homes in attached units on a nine acre site in the Community Reinvestment Area is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance. That this exemption from real property taxation is contingent upon all applicable requirements of Section 3735.65 et seq. of the Ohio Revised Code and this ordinance having been met.

Section 5. That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

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, City Planning, Finance.

Ord. No. 1168-96.

**By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of**

Parks, Recreation and Properties to make alterations and modifications in Contract No. 46292, for Gateway North Garage with Donley's Inc., for the 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 hereby authorized and directed to make the following alterations and modifications in Contract No. 46292 with Donley's Inc. for the Gateway North Garage:

1. Amounts Recommended for Approval

A. Hazardous Materials Testing (CE-G7)

Additional amount of \$74 is required to test suspicious and potentially hazardous materials. Material found on an abandoned steam line was suspected to contain asbestos. The material was tested and found not to be hazardous.

B. Terminate Column Stubs. Remove Metal Guards (CE-G25)

A credit to the contract in the amount of \$879 was received as a result of the elimination of column stubs which were shown on the contract documents. The deletion of these stubs eliminated a potential driving hazard.

C. Delete Installation of Security Wiring Conduit (CE-G50)

A credit to the contract in the amount of \$3,781 was received as a result of eliminating security conduit specified to be installed as part the Security Bid Package.

D. Relocation of Three Flagpoles (CE-G54)

Additional amount of \$6,603 is required to relocate three flagpoles from E. 4th Street to new location at the intersection of High Street and Ontario.

E. Chain Link Fence Around Sump Area (CE-G63)

Additional amount of \$4,518 were required to provide and install a five foot high chain link fence around the basement sump pit. This additional fence was the requirement to provide protection for the public.

F. Protective Railing (CE-G66)

Additional amounts of \$2,154 is required to provide and install additional safety guard rail between the poured-in-place concrete stairs and the exterior glass curtain wall. The addition of the rails provided the necessary safety protection required by City inspectors.

G. Delete Security Conduit to be Installed by Other Contractor (CE-G67)

A credit to the contract in the amount of \$4,260 was received as a result of the deletion of security system rough-in items, installed as part of other work.

H. Rubble Removal (CE-G70)

Additional amount of \$17,199 is required to remove rubble along relocated Ontario Road. The rubble removal consisted of the removal and backfill of an abandoned vault. Donley's Inc. was instructed to do this work (outside of their work limits) as a result of the fast track nature of this work.

Total approved without qualifications \$21,628

2. Amounts recommended for approval for payment to contractors, but reimbursement of City should be pursued against Gateway or its consultants.

A. Additional Excavation (CE-G49)

Additional amount of \$585 is required to construct redesigned foundations. The size of buried utilities were shown incorrectly on the field survey, requiring modifications to the bridge foundation. These modifications required the contractor to provide additional excavation.

B. Mechanical Modifications (CE-G60)

Additional amount of \$5,722 is required to relocate and modify the mechanical ventilation system. The ductwork, return-air grille, flashing, and mechanical unit were required to be relocated and reworked to fit within the available clearance tolerances of the bridge. This situation should have been avoided during the design phase of the project.

C. Isolation Joint (CE-G69)

Additional amount of \$3,180 is required to install an isolation joint along column line C. This isolation joint was required to protect the Fourth Street Core wall from unexpected movement of the structure. This corrective action is required to avoid structural damage to the building, and should have eliminated in the design phase of the work.

D. Pedestrian Bridge Connection modifications (CE-G71)

Additional amount of \$2,793 is required to install the necessary roof flashing at the expansion joint between the Pedestrian Bridge and the Arena. Changes were required to the bridge as a result of changes made to the curtainwall of the Arena, therefore these cost should be charged to Gateway.

Total recommended for reimbursement:	\$12,280
Total approved without qualifications	\$21,628
Total recommended for reimbursement	12,280
Total Recommended for Payment to the Contractor	\$34,917
Original Contract Amount	\$ 10,242,690.00
Subsidiary Addition	+ 34,917.00
Revised Contract Amount	\$ 10,277,607.00

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$34,917.00, to be paid from Fund No. 65 SF 004.

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

Referred to Directors of Parks,

Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 1169-96. By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 46581, for Gateway East Garage parking controls with Reserve Electric Company, for the 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 hereby authorized and directed to make the following alterations and modifications in Contract No. 46581 with Reserve Electric Company for the Gateway East Garage parking controls:

I. Amounts Recommended for Approval

A. Conduit to Additional Coupon Readers (CE-G92)

Additional amount of \$876 is required to provide required electrical conduit to additional coupon readers purchased as part of other bid packages.

B. Gate Arm Modifications (CE-G99)

Additional amount of \$1,383 is required to modify the specified gate arms as required by the garage operator. The one piece gate arms were modified to be articulating arms which would extend further across the entrance lanes. This arrangement provides additional control.

C. ADA Ticket Booth Modifications (CE-G101)

Additional amount of \$501 is required to modify the ADA ticket booths. The booths were lowered to clear the existing opening. Field modifications were made to the ticket booth, which consisted of lowering the roof of the booth. These changes were made in the field to expedite the garage opening.

D. Modifications to Coupon Readers (CE-G103)

Additional amount of \$18,673 is required to adapt the specified hand held ticket readers to a permanently mounted, fixed-in-place configuration. This field modification was required by the Division of Parking.

E. Relocation of Traffic Signals and Cash Register Modifications (CE-G108)

Additional amount of \$3,478 is required to construct modifications to the Ticket Booth areas. Modifications to the traffic signals were required by the Garage Operator. These modifications consisted of relocating the Red and Green Traffic Signals from the top of the ticket booths, to the side of the booths for better visibility. Modifications were also required to the cash registers to allow the manual operations of the gate arms and signals. These modifications were required by the garage Operators.

F. Back-charge to Modify Concrete Island at A.D.A. (CE-64) Ticket Booth

A credit to the contract in the amount of \$890 was charged for field modifications required to the

concrete curbs under the A.D.A. ticket booth. The concrete island under the booth required modification to accommodate the unexpected door location on the ticket booth which was delivered. Therefor the cost of the necessary modifications to the concrete work were charge against this contract.

Total approved without qualifications	\$24,911
Remaining contingency allowance	250
Back-charge	890
	<u>\$23,771</u>

Original Contract Amount	
Subsidiary Addition	\$ 589,000.00
	<u>+ 23,771.00</u>
Revised Contract Amount	\$ 612,771.00

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$23,771.00, to be paid from Fund No. 65 SF 003.

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

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

Ord. No. 1170-96. By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 46968, for Gateway North Garage security system with Precision Electric Company, for the 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 hereby authorized and directed to make the following alterations and modifications in Contract No. 46968 with Precision Electric Company for the Gateway North Garage security system:

I. Amounts Recommended for Approval

A. Elevator Security System (CE47)

Additional amount of \$2,298 is required to provide additional duress buttons within each elevator. This additional expense allows for the monitoring of each elevator by the security system when duress buttons are activated. The duress buttons were not included in the ini-

tial security package and had to be added.

B. Fiber Optic Interconnection (CE55)

Additional amount of \$90,844 is required to provide conduit and wiring and connections to the security equipment as required for proper equipment operation of the fiber optic security system. This re-routing and connections were required to sequence work and meet required timetables.

Total approved without qualifications	\$93,142
Remaining contingency allowance	(5,486)
	\$87,656

Original Contract Amount	\$ 217,900.00
Subsidiary Addition	+ 87,656.00
Revised Contract Amount	\$ 305,556.00

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$87,656.00, to be paid from Fund No. 65 SF 004.

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

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

Ord. No. 1171-96. By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 46525, for Gateway East Garage pedestrian bridge with Singleton Construction Company, for the 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 hereby authorized and directed to make the following alterations and modifications in Contract No. 46525 with Singleton Construction Company for the Gateway East Garage pedestrian bridge:

1. Amounts Recommended for Approval

A. Footing Elevation Modification (CE-PB01)

Additional amount of \$3,606 is required to eliminate the obstruction of a fire hydrant at the west footing and a light pole base at the east footing.

B. Revise Soffit Expansion Joint Details (CE-PB02)

Additional amount of \$9,065 is required to close off the underside of the bridge from the sight lines of the East Garage and Arena windows.

C. Provide Additional Supply Air Ductwork (CE-PB04)

Additional amount of \$8,718 is required to provide insulation to the supply duct in the space beneath the bottom of the bridge floor and the exterior metal panels with Armaflex insulation.

D. Modification to Doors and Thresholds at East garage (CE-PB05)

Additional amount of \$1,000 is required to complete the installation of the bridge floor tile and expansion joint which abutted the East Garage floor.

E. Provide Conduit for Security System (CE-PB06)

Additional amount of \$641 is required to provide an empty conduit from the Arena to the East Garage in the open space beneath the bridge and to provide an outlet for security camera coverage on the bridge.

Total approved without qualifications	\$23,030
This project was inadvertently bid without an allowance. Therefore this Change Order consists of all of the projects Field Changes.	\$23,030

Original Contract Amount	\$ 922,000.00
Subsidiary Addition	+ 23,030.00
Revised Contract Amount	\$ 945,030.00

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$23,030.00, to be paid from Fund No. 65 SF 003.

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

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

Ord. No. 1172-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to accept an annual grant of cash or equipment for a period of three years from the NFL Charities for use in Cleveland Muny Football Association programs and various City recreation programs, and to enter into contracts with the Cleveland Muny Football Association and other agencies for implementation of these programs.

Whereas, pursuant to Ordinance No. 303-96, passed March 8, 1996, Cleveland City Council required the NFL, within 30 days following the execution of certain agreements, to cause NFL Charities to contribute \$100,000 per year in cash or, if agreed to by the City, in equipment to the City for use in the Cleveland Muny Football Association programs; 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 Parks, Recreation, and Properties (the "Director") is hereby authorized to accept from NFL Charities or its designee, an annual grant in the amount of \$100,000 over a three (3) year period for a total grant of \$300,000, or in lieu of all or some of the cash grant, the Director may accept a donation of equipment, provided it is of an equivalent dollar value as the cash grant, for the purpose of implementing Cleveland Muny Football Association programs and other City recreation programs.

Section 2. That any monies accepted pursuant to the authority in Section 1 of this Ordinance, shall be deposited into a separate grant fund.

Section 3. That the Director is hereby authorized to file all papers and execute all documents necessary to receive the funds under the grant or to receive the equipment in lieu of grant funds.

Section 4. That the Director is hereby authorized to apply said funds to City recreation programs, and to enter into contracts with the Cleveland Muny Football Association and other agencies or organizations to implement said programs.

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

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

Ord. No. 1173-96.

By Councilman Lewis (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Ministerial Day Care Association to encroach into the public right-of-way on Superior Avenue with Banners, to be attached to utility poles (by separate permit), for the period beginning July 15, 1996 to September 30, 1996, to announce the Grand Opening of The Superior Head Start Academy.

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

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

Section 1. That the Director of Public Service is hereby authorized to issue a permit, revocable at the will of Council to the Ministerial Day Care Association, 12025 Shaker Boulevard, Cleveland, Ohio, its successors and assigns, to construct, use and maintain Banners to be attached to fourteen (14) Cleveland Public Power poles (by separate permit), to announce the Grand Opening of The Superior Head Start Academy. Said Banners, which may be assigned with prior consent of the Director of Public Service, will encroach into the public right-of-way of both the northerly and southerly sides of Superior Avenue between East 68th and East 72nd Streets, for the period beginning July 15, 1996 to September 30, 1996, at the locations more fully described as follows:

SUPERIOR AVE. - SOUTH SIDE, LOCATIONS OF BANNERS & POLE NUMBERS:		
ADDRESS	POLE # & TYPE	ATTACHMENT
2nd St Light Pole W. of Giddings	KT11-30 - Steel	Banner
S.E. Corner of Giddings	KT11-32 - Steel	Banner
2nd St. Light Pole E. of Giddings	KT11-33 - Steel	Banner
3rd St. Light Pole E. of Giddings	KT11-34 - Steel	Banner
4th St Light Pole E. of Giddings	KT11-35 - Steel	Banner
S.W. Corner of Giddings	KT11-36 - Steel	Banner
2nd St. Light Pole E. of Addison	ST2-2 - Steel	Banner

SUPERIOR AVE. - NORTH SIDE, LOCATIONS OF BANNERS & POLE NUMBERS:		
ADDRESS	POLE # & TYPE	ATTACHMENT
2nd St Light Pole W. of Giddings	KT11-46 - Steel	Banner
Opposite, S.E. Corner of Giddings	KT11-44 - Steel	Banner
2nd St. Light Pole E. of Giddings	KT11-43 - Steel	Banner
3rd St Light Pole E. of Giddings	KT11-42 - Steel	Banner
4th St. Light Pole E. of Giddings	KT11-41 - Steel	Banner
N.W. Corner Addison	KT11-40 - Steel	Banner
2nd St. Light Pole E. of E. 71 St.	ST1-2 - Steel	Banner

Section 2. That the Banners may be placed in the public right-of-way on Superior Avenue at the locations described in Section 1, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That this ordinance shall not be construed to create rights or grant permission to use or attach any hanging devices to the utility poles described in Section 1. Permission to use or attach hanging devices to the utility poles described in Section 1 must be secured directly from the owners of said utility poles.

Section 4. That the permit authorized herein shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 1174-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1913 East 69 Street, rear, to Mattie Mae and Taze Adams.

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 pro-

viding 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. 118-09-034, as more fully described in Section 2 below, to Mattie Mae and Taze Adams.

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. 118-07-034

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. 338 and bounded and described as follows:

Beginning at the Northeasterly corner of land conveyed to Florence Howle by deed dated May 24, 1921,

and recorded in Volume 2478, Page 589 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Florence Howle about 15 feet to the Southeasterly corner of land conveyed to Joseph Marshall by deed dated September 27, 1920 and recorded in Volume 2476, Page 71 of Cuyahoga County Records; thence Northerly, along an Easterly line of land so conveyed to Joseph Marshall about 11 feet to angle; thence Easterly along a Southerly line of land so conveyed to Joseph Marshall 15 feet to a Southeasterly corner thereof; thence Southerly along a direct line about 11 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 1175-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5710 Hough Avenue to The Salvation Army.

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. 118-01-003, as more fully described in Section 2 below, to The Salvation Army.

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. 118-01-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in George E. Dascomb Subdivision, of part of Original 100 Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Hough Avenue, N.E. and

extending back between parallel lines of equal depth 229.35 feet as appears by said plot, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1176-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6615 Lawnview Avenue to Marvin D. and Carol L. Evans.

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. 106-08-076, as more fully described in Section 2 below, to Marvin D. and Carol L. Evans.

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. 106-08-076

Situated in the city of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 63 in the Holden and Halle Subdivision of a part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat of said Subdivision in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Northerly line of Lawnview Avenue, N.E., and the Easterly line of East 67th Street; thence Easterly, along the Northerly line of Lawnview Avenue, N.E., 24-50/100 feet; thence Northerly parallel with the Easterly line of East 67th Street, 129-06/100 feet to the Northerly line of said Sublot No. 63; thence Westerly along the Northerly line of said Sublot, 24-50/100 feet to the Easterly line of East 67 Street and thence Southerly along the Easterly line of East 67 Street, 129-08/100 feet to the place of beginning, according to the survey of the Wm. H. Evers Engineering Company, April, 1921, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1177-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7209 Linwood Avenue to Frank Kemp.

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. 106-10-122, as more fully described in Section 2 below, to Frank Kemp.

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. 106-10-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 342, and bounded and described as follows: Beginning on the Northerly line of Linwood Avenue N.E., at a point 267 feet Easterly, measured along said Northerly line, from its intersection with the Easterly line of East 71st Street, (formerly Giddings Avenue); thence Easterly along the Northerly line of Linwood Avenue, N.E. 40 feet; thence Northerly, parallel with the Easterly line of East 71st Street, 150.70 feet to the Southerly line of Simpson & Goake's Subdivision, as shown by the recorded plat in Volume 18 of Maps, Page 23 of Cuyahoga County Records; thence Westerly along the Southerly line of Simpson and Goake's Subdivision, 40 feet; thence Southerly parallel with the Easterly line of East 71st Street, 150.80 feet to the place of beginning, and being further known as part of Sublot No. 32 and 33 in Thomas H. White's proposed Subdivision, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

Ord. No. 1178-96.
By Councilmen Lewis, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5713 Luther Avenue to Henry and Bertha Crowell.

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. 104-16-113, as more fully described in Section 2 below, to Henry and Bertha Crowell.

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

P. P. No. 104-16-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 33 in John Kelley's Subdivision of part of Original East Cleveland Township Lot No. 343, as shown by the recorded plat in Volume 12 of Maps, on Page 47 of Cuyahoga County Records and bounded and described as follows: Beginning at a point in the Easterly line of said Sublot No. 33 distant 95.00 feet Northerly therein from the Southeastern corner thereof; thence Northerly 71.28 feet along said Easterly line of Sublot No. 33 to the Northeastern corner of thereof; thence Westerly 40.00 feet along the Northerly line of said Sublot No. 33 to the Northwest corner thereof; thence Southerly, 71.34 feet along the Westerly line of Sublot No. 33 to a point distant 95.00 feet Northerly therein from the Southwesterly cor-

ner thereof; thence Easterly 40.00 feet at right angles with said Westerly line of Sublot No. 33 to the place of beginning according to a survey by Robert P. Krause, Sr., Registered Ohio Surveyor No. 2885, May 25th, 1957, be the same more or less, but subject to all legal highways.

Right of Way Easement and Sewer and Utility Easement, recorded in Volume 12510, Page 273 of Cuyahoga County Records. For conditions, see record.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1179-96.
By Councilmen Lewis, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10010 Newton Avenue to Felton and Jackie Pitts.

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. 119-11-034, as more fully described in Section 2 below, to Felton and Jackie Pitts.

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. 119-11-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 31 feet of Sublot No. 20 and the Westerly 3 feet of Sublot No. 21 in The Logan Company's Subdivision of part of Original One Hundred Acre Lot No. 401, as shown by the recorded plat in Volume 40 of Maps, Page 20 of Cuyahoga County Records, and together forming a parcel of land 34 feet front on the Southerly side of Newton Avenue, N.E., and extending back about 45.95 feet on the Easterly line, about 46.35 feet on the Westerly line and having a rear line of 34 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1180-96.
By Councilmen Lewis, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1178 East 85 Street to John Ervin and Mary Byrd.

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. 107-09-013, as more fully described in Section 2 below, to John Ervin and Mary Byrd.

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. 107-09-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 17, 18, and 19 in the Posen Subdivision of part of Original One Hundred Acre Lots Nos. 375 and Resubdivision of Sublots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 in the Oak Grove Subdivision of part of Original One Hundred Acre Lot No. 376 as shown by the recorded plat of said Subdivision and Re-Subdivision in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and bounded and described as follows: Beginning at a point in the Southerly line of Original Lot No. 375 at a point 271.58 feet Westerly from the Easterly line of said Original Lot No. 375; thence Westerly along the Southerly line of Original Lot No. 375, 81.18 feet to the Southwest corner of Sublot No. 19; thence Northerly along the Westerly line, 35 feet; thence Easterly parallel with the Southerly line of Original Lot No. 375 to a street called East 85th Street (formerly Belrose Street); thence Southerly along the Westerly line of said East 85th Street, 35 feet to the place of beginning, and being further known as Sublot No. 23 and the Southerly 5 feet of Sublot No. 24 in The Cleveland Land Company's Proposed New Superior Allotment, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

and covenants as are deemed necessary or appropriate.

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

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

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

Ord. No. 1181-96.
By Councilmen Lewis, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8513 and 8409 Sowinski Avenue to Fred L. Taylor.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 107-06-096 and 107-06-097, more fully described in Section 2 below, to Fred L. Taylor.

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. 107-06-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 186 in Jos. Hoffman's Posen Subdivision of part of Original One Hundred Acre Lots Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and being 30 feet front on the Northerly side of Sowinski Avenue, N.E. (formerly Sowinski Street) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 107-06-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 185 in Joseph Hoffman's Posen Subdivision of part of Original One Hundred Acre Lots Nos. 375 and 376, as shown by the recorded plat of said Subdivision in Volume 20 of Maps, Page 29 of Cuyahoga County Records. Said Sublot No. 185 has a frontage of 30 feet on the Northerly side of Sowinski Avenue, N.E., (formerly Sowinski Street), and extends back between parallel lines 100 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.

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

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

Ord. No. 1182-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7432 Star Avenue to Frances Mae Butler and Bernice Miles.

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 consti-

tutes 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. 106-04-039, as more fully described in Section 2 below, to Frances Mae Butler and Bernice Miles.

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. 106-04-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 8 in Geo. Sell's Subdivision of part of Original 100 Acre Lot No. 345, as shown by the recorded plat in Volume 14 of Maps, Page 26 of Cuyahoga County Records and bounded and described as follows: Beginning on the Southerly line of Star Avenue, N.E. (formerly Star Avenue) at the Northeasterly corner of said Sublot No. 8; thence Westerly along said Southerly line of Star Avenue, N.E., 33 and 96/100 feet to the Northeasterly corner of land conveyed by George Sell and Sarah E. Sell (husband and wife) to Frank L. Merkel and Helena E. Merkel by deed dated August 1, 1888, and recorded in Volume 437, Page 106 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to said Frank L. Merkel and Helena E. Merkel, 122 and 44/100 feet to the Southerly line of said Sublot No. 8; thence Easterly along said Southerly line of Sublot No. 8, 46 and 93/100 feet to the Southeasterly corner of said Sublot No. 8; thence Northerly along the Easterly line of Sublot No. 8; 124 and 80/100 feet to the place of beginning.

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.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1183-96.

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

An emergency ordinance authorizing the Director of Community Development to enter into a lease with Kamm's Development Corporation for the parking lot located on Albers Avenue.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a lease with Kamm's Development Corporation for the parking lot located on the north side of Albers Avenue, between Rocky River Drive and West 168th Street, Permanent Parcel Nos. 025-25-031 through 025-25-040, for a term of five (5) years, renewable at the City's of Cleveland's discretion.

Section 2. That all lands leased pursuant to this ordinance shall be leased at fair market value as determined by the Board of Control.

Section 3. That the lease shall be prepared by the Director of Law and shall contain such other terms as shall protect the interests of the City of Cleveland and shall be executed by the Director of Community Development on behalf of the City of Cleveland.

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

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

Ord. No. 1184-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for housing and/or economic opportunities within Ward 5 at 6110 Kinsman Avenue, for the Division of Neighborhood Development, Department of Community Development.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby autho-

rized to purchase the following described property for the purpose of developing housing and/or economic opportunities within Ward 5:

WOOLDRIDGE SCHOOL
6110 KINSMAN

PERMANENT PARCEL NO.: 124-20-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 24, 25, 26, 27, 28 and 29 in the F.J. Chapple Subdivision of part of Original One Hundred Acre Lot No. 328 as shown by the recorded Plat in Volume 19 of Maps, Page 30 of Cuyahoga County Records and part of Original One Hundred Acre Lot No. 328, bounded and described as follows:

Beginning at the intersection of the Westerly line of Kinsman Road, (66 feet wide) with the Northerly line of Grand Avenue, (44 feet wide);

Thence Southwesterly along the Northerly line of Grand Avenue about 347.35 feet to the Southerly corner of Sublot No. 24 in the F.J. Chapple Subdivision as foreshaid;

Thence Northerly along the Westerly line of said Sublot No. 24 and its prolongation, 250 feet to a point in a parcel of land conveyed to Michael Wooldridge and others by deed dated March 11, 1853 and recorded in Volume 61, Page 376 of Cuyahoga County Records;

Thence Easterly along the Northerly line of land so conveyed to Michael Wooldridge and others 322 feet to the Westerly line of Kinsman Road, (66 feet wide);

Thence Southeasterly along the Westerly side of Kinsman Road about 257.04 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 021, Request No. 23053.

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

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

Ord. No. 1185-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance determining the method of making the public improvement of replacing the Edgewater pump station, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

of a municipal department; now, therefore,

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing the Edgewater pump station, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 11014.

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

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

Ord. No. 1186-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract with Ohio Power Company for professional services and associated equipment and materials to provide engineering, analyses, and other services as needed, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to enter into contract with Ohio Power Company for professional services and associated equipment and materials necessary to provide engineering, analyses, testing, maintenance, training, service restoration and other services as needed for a period of two (2) years, on the basis of such provisions of its proposal dated May 31, 1996 as are acceptable to the Directors of Public Utilities and Law, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on

order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22104)

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

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

Ord. No. 1187-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract with Ohio Power Company for professional services and associated equipment and materials to provide engineering, analyses, and other services as needed, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to enter into contract with Ohio Power Company for professional services and associated equipment and materials necessary to provide engineering, analyses, testing, maintenance, training, service restoration and other services as needed for a period of two (2) years, on the basis of its proposal dated May 31, 1996, except for such provisions as are not acceptable to the Directors of Public Utilities and Law, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22104)

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

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

Ord. No. 1188-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance to amend Section 11 of Ordinance No. 1071-93, passed June 7, 1993, as amended by Ordinance No. 2017-94, passed October 24, 1994, relating to the designated funding source.

Whereas, this ordinance consti-

tutes 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 11 of Ordinance No. 1071-93, passed June 7, 1993, as amended by Ordinance No. 2017-94, passed October 24, 1994, is hereby amended to read as follows:

Section 11. That the cost of any expenditures authorized by this ordinance for any contract, including all public improvements, standard purchases, requirement contracts, acquisition of rights or interests in real property, and professional services, shall be paid from the funds and subfunds to which are credited the proceeds of bonds and bond anticipation notes issued pursuant to Ordinance Nos. 1133-93 and 1003-95, and from the surplus fund and construction fund established under the trust indenture securing the City's Public Power System Improvement First Mortgage Revenue Bonds.

Section 2. That existing Section 11 of Ordinance No. 1071-93, passed June 7, 1993, as amended by Ordinance No. 2017-94, passed October 24, 1994, is hereby repealed.

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

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

Ord. No. 1189-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Bowman Distribution, or its designee, to provide economic development assistance to partially finance the acquisition of furniture, fixtures and equipment needed to relocate and update their corporate headquarters to The Erieview Tower, Cleveland, Ohio 44114.

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 hereby authorized to enter into a contract with Bowman Distribution, or its designee, to provide economic development assistance to partially finance the acquisition of furniture, fixtures and equipment needed to relocate and update their corporate headquarters to the Erieview Tower, Cleveland, Ohio 44114.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1189-96-A.

Section 3. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 22271.

Section 4. That the Director of Economic Development is hereby

authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

Ord. No. 1190-96.

By Councilmen Paulenske, Johnson, Polensek, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 1609 East 21st Street to Daniel R. Gray.

Whereas, the Directors of Public Safety and Parks, Recreation and Properties have requested the sale of City-owned property no longer needed for public use and located at 1609 East 21st Street; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

1609 East 21st Street

(vacant land)

Permanent Parcel No. 102-25-019
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 159 in O. H. Payne's Allotment of part of Original Ten Acre Lots Nos. 106, 107 and 108, as shown by the recorded plat in Volume 14 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly side of East 21st Street at the Southwest corner of said Sublot No. 159;

Thence Northerly along the Easterly line of East 21st Street, 47.5 feet to the Northwest corner of said Sublot No. 159;

Thence Easterly along the Northerly line of said Sublot No. 159, 176.0 feet to an alley;

Thence Southerly along the Westerly line of said Alley, 40.00 feet;

Thence Southwesterly 22.23 feet to a point in the Southerly line of said Sublot No. 159;

Thence Westerly along the Southerly line of said Sublot No. 159, 155.08 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Ord. No. 1191-96.

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

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 47134, for Gateway North Garage electrical utility duct with Harrington Electric Company, for the 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 hereby authorized and directed to make the following alterations and modifications in Contract No. 47134 with Harrington Electric Company for the Gateway North Garage electrical utility duct:

1. Amounts Recommended for Approval

A. C.P.P. Duct Bank Relocation (CE-G51)

Additional amount of \$22,357.21 is required to provide two (2) underground conduits from existing C.P.P. manhole at S.E. corner of site (E. 4th and Huron) to the existing marked manhole on Huron. The C.P.P. existing line fell within the new curb location as prescribed by the Huron Road Improvement Project. A new duct bank was required to be installed on a temporary basis to provide continuous service to the garage until such time that the Huron Rd. permanent duct bank was completed.

Total approved without qualifications	\$ 22,357.21
Balance of contingency	
	<u>(\$11,500.00)</u>
	\$ 10,857.21

Original Contract Amount	\$ 77,163.00
Subsidiary Addition	
	<u>+ 10,857.21</u>
Revised Contract Amount	\$ 88,020.21

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$10,857.21, to be paid from Fund No. 65 SF 004.

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

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

Ord. No. 1192-96.
By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of maintenance on radio equipment, for the Division of Emergency Medical Service, Department of Public Safety, 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 the Director of Public Safety is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance on radio equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Emergency Medical Service, Department of Public Safety, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year

term, and cancellable upon thirty days' written notice by said director.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20671.

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

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

Ord. No. 1193-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in Build Up Greater Cleveland for the year 1996.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to cause payment of 1996 membership dues of the City of Cleveland, to be made to Build Up Greater Cleveland, from Fund No. 01-99-98-0239, Request No. 20451.

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

Referred to Director of Finance; Committee on Finance.

Ord. No. 1194-96.
By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the United States Department of Health and Human Services for the Healthy Start Initiative Program to be conducted by the City of Cleveland and various other agencies, to enter into contracts with other intended grant recipients and to enter into contracts to implement the program.

Whereas, pursuant to Ordinance Nos. 1257-91 and 2245-91, Council authorized the Director of the Department of Public Health to apply for and accept a grant for the City and other agencies to conduct the Healthy Start Initiative Program and to enter into contracts with various organizations and agencies for the development, implementation and operation of the Healthy Start Initiative Program (the "Program"); and

Whereas, the Program has been in operation for five (5) years, and additional funding is needed for the continued operation of the program in the future; and

Whereas, this ordinance constitutes an emergency measure pro-

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant from the United States Department of Health and Human Services to be given to the City for purposes of conducting the Healthy Start Initiative Program (the "Program") beyond its current expiration date of September 30, 1996, in accordance with the application which is on file with the Council in File No. 1194-96-A; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to file said application and to receive the funds under said grant; and that said funds are hereby appropriated for the purposes set forth in the application for said grant.

Section 2. That the application on file for the grant referred to in Section 1 of this ordinance, is made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts with those organizations specified in the application for said grant, including the Metro Health System, Cleveland Neighborhood Health Services, Case Western Reserve University, and other organizations and agencies, and to purchase such items as are necessary, in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the development, operation and implementation of the Program.

Section 4. That the Director of Public Health is hereby authorized to enter into a contract or contracts for professional consultant services to plan and implement the Program.

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

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

Ord. No. 1195-96.
By Councilmen Willis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12400, 12316-18, 12314, 12312, 12401-03, 1381, 1405 East 124th Street aka 12331-23 Auburndale Avenue, 1404, 1400, 1396, 1390 East 124th Street to Northeast Neighborhood Development Corp. 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 Nos. 120-13-046, 120-13-047, 120-13-048, 120-13-049, 120-13-052, 120-13-071, 120-13-077, 120-13-078, 120-13-079, 120-13-080, 120-13-081, 120-13-082, as more fully described in Section 2 below, to Northeast Neighborhood Development Corp. 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. 120-13-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in House and Cody's Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuyahoga County Records, and being 35 feet front on the Southwesterly side of Auburndale Road, N.E., (formerly Auburndale Avenue) and extending back 141.47 feet on the Northweste-ly line, 141.52 feet on the South- easterly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but sub- ject to all legal highways.

P. P. No. 120-13-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 34 and 35 in House and Cody's Subdivision of a part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuyahoga County Records, bounded and described as follows:

Beginning at the angle in the Southerly line of Auburndale Avenue, N.E., at the most Northerly corner of said Sublot No. 35; thence Westerly along the Southerly line of Auburndale Avenue, N.E., 40 feet; thence Southeasterly in a direct line to a point in the rear of said Sublot No. 34; 43/100 feet Southwesterly from the most Easterly corner of said Sublot No. 34; thence North- easterly along the rear line of Sublot Nos. 34 and 35, 36.90 to the South- westerly line of Auburndale Avenue, N.E., 70.49/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances if any.

P.P. No. 120-13-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 33, 35 and 35 in House and Cody's Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Auburndale Road, N.E., at a point 40 feet Westerly, measured along said Southerly line from the Northeast

corner of said Sublot No. 35, thence Westerly along the said Southerly line of Auburndale Road, N.E., 43.40 feet, thence Southeasterly to a point in the Southeasterly line of said Sublot No. 33, .25 of a foot South- westerly, measured along the said Southeasterly line from the most Easterly corner of said Sublot No. 33, thence Northeasterly along the Southeasterly line of said Sublot Nos. 33 and 34, 34.72 feet to a point 37 feet Southerly measured along the Southeasterly line of said Sublot Nos. 34 and 35, from the most Easterly corner of said Sublot No. 35, thence Northwesterly about 92 feet to the place of beginning.

Also subject to zoning ordinances, if any.

P. P. No. 120-13-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 33 and 34 in House and Cody's Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Auburndale Road, N.E., at a point 83.40 feet Westerly along said Southerly line from the most Northerly corner of Sublot No. 35 in said Subdivision, thence Westerly along said Southerly line of Auburn- dale Road, N.E., 36.49 feet to the Northeasterly corner of land conveyed by Henry B. Cody and wife, to Vincent Kadlecek by deed dated July 13, 1898, and recorded by Volume 681, Page 575 of Cuyahoga County Records, thence Southeasterly along the Northeasterly line of land so conveyed about 134.20 feet to the Southeasterly line of said Sublot No. 33, thence Northeasterly along said Southeasterly line of Sublot No. 33, 29.75 feet to a point 71.72 feet Southwesterly measured along the Southeasterly line of Sublot Nos. 33, 34 and 35 from the most Easterly corner of said Sublot No. 35, thence Northwesterly to the place of beginning.

P.P. No. 120-13-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 37 in House and Cody's Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuyahoga County Records, and part of Sublot No. 31 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Northeasterly line of Auburn- dale Avenue, N.E., and the South- easterly line of East 124th Street; thence Southeasterly along the Northeasterly line of said Auburn- dale Avenue, N.E. 35 feet to the most Southerly corner of said Sublot No. 37; thence Northeasterly, along the Southeasterly line of said Sublot No. 37, 90 feet; thence North- westerly parallel with the North- easterly line of said Auburndale Avenue, N.E., 35 feet to the North- westerly line of said Sublot No. 37; thence Westerly to the Easterly line of said East 124th Street distant

Northerly measured along said East- erly line 14 feet from the most Southerly point of said Sublot No. 31; thence Southerly along the Easterly line of said East 124th Street 14 feet to said most Southerly point of Sublot No. 31 at an angle in the East- erly line of said East 124th Street; thence Southwesterly along the Southeasterly line of East 124th Street, 73.89 feet to the place of beginning, as appears by said plat, be the same more or less, but sub- ject to all legal highways.

Subject to zoning ordinances, if any.

P.P. No. 120-13-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 39 feet from front to rear of Sublot No. 25 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records, and being 39 feet front on the Easterly side of East 124th Street, (formerly Archer Avenue) and extending back of equal width 115 feet, as appears by said plat, be the same more or less, but subject to all legal high- ways.

Sidewalk easement from Eliza- beth and John Lamb to East End Building Company, dated June 30, 1915, filed for record July 15, 1915 at 11:33 a.m. and recorded in Volume 1694, Page 438 of Cuyahoga County Records

Subject to zoning ordinances, if any.

P.P. No. 120-13-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 30 and 31 in the Lake View Subdivision of part of Original One Hundred Acre Lot No. 388, as shown by the recorded plat in Vol- ume 23 of Maps, Page 10 of Cuya- hoga County Records, and part of Sublot No. 37 in House and Cody Subdivision, of part of Original One Hundred Acre Lot Nos. 388 and 389 as shown by the recorded plat in Volume 25 of Maps, Page 5 of Cuya- hoga County Records, and part of Sublot No. 20 in James W. Houses' Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuya- hoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 124th Street (formerly Archer Avenue) at the Southwesterly cor- ner of land conveyed to Sadie J. Bone by deed dated May 9, 1921, and recorded in Volume 2497, Page 496 of Cuyahoga County Records said place of beginning being 30.16 feet Southerly measured along said Easterly line of East 124th Street, from the Northwesterly corner of Sublot No. 31; thence Northerly, along said Easterly line of East 124th Street, 35.16 feet to the North- westerly corner of land so conveyed; thence Easterly along the Northerly line of land so conveyed to Sadie J. Bone, to the Northeasterly corner thereof; thence Southwesterly, along the Southeasterly line of land so conveyed to Sadie J. Bone, to a point in the Southwesterly line of Sublot No. 20, distant 20.26 feet South- easterly, measured along said South- westerly line of Sublot No. 20, from the Northwesterly line of Sublot No.

20; thence Northwesterly, along said Southwesterly line of Sublot No. 20, 7.26 feet to the most Easterly corner of Sublot No. 20, 7.26 feet to the most Easterly corner of Sublot No. 37; thence Southwesterly, along the Southeastly line of Sublot No. 37, 27 feet; thence Northwesterly in a direct line, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 120-13-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in Lake View Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 124th Street, (formerly Archer Avenue), at the Northeastly corner of said Sublot No. 19; thence Southerly along the Westerly line of East 124th Street, 8.54 feet to an angle therein; thence Southwesterly along the Northwesterly line of East 124th Street, 35.37 feet to the Easterly end of the turnout between the Northwesterly line of East 124th Street, and the Northwesterly line of Auburndale Avenue, N.E.; thence Westerly along said turnout 35.36 feet; thence Northwesterly along the Northeastly line of Auburndale Avenue, N.E., 19.69 feet to an angle therein; thence Southwesterly along the Northwesterly line of Auburndale Avenue, N.E., 1.39 feet to a point which is distant 14 feet Easterly at right angle measure from the Westerly line of said Sublot No. 39.77 feet to the Northerly line of said Sublot; thence Easterly along the Northerly line of said Sublot No. 106.17 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 120-13-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 124th Street (formerly Archer Avenue) and extending back 122.58 feet on the Northerly line, 120.20 feet on the Southerly line and having a rear line of 40.7 feet as appears by said plat.

Subject to Easement recorded in Volume 5479, Page 291 of Cuyahoga County Records.

Subject to Easement recorded in Volume 5479, Page 292 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

P.P. No. 120-13-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 124th Street, and extending back 124.95 feet on the Northerly line, 122.58 feet on the Southerly line, and hav-

ing a rear line of 40.07 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

1. Driveway easement from Pietro and Rosaria Fomica to Pasquale and Antoinetta Miorano, dated November 27, 1942, filed for record December 1, 1942 at 10:15 am. and recorded in Volume 5479, Page 291 Cuyahoga County Records.

2. Appurtenant driveway easement from Pasquale and Antoinette Miorano, to Pietro and Rosaria Fomica, dated November 27, 1942, filed for record December 1, 1942 at 10:16 a.m. and recorded in Volume 5479, Page 292 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

P.P. No. 120-13-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 399, as shown by the recorded plat of said Subdivision in Volume 23 of Maps, Page 10 of Cuyahoga County Records. Said Sublot No. 16 has a frontage of 40 feet on the Westerly side of East 124th Street (formerly Archer Avenue), and extends back 127 33/100 feet on the Northerly line and 124 95/100 feet on the Southerly line and has a rear line of 40 7/100, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 120-13-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in the Lakeview Subdivision of part of Original One Hundred Acre Lot Nos. 388 and 389, as shown by the recorded plat in Volume 23 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 124th Street (formerly Archer Avenue) and extending back 129.71 feet on the Northerly line 127.33 feet on the Southerly line and has a rear line of 40.07 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

Ord. No. 1222-96.

By Councilman Westbrook.

An emergency ordinance determining the need to develop programs to combat the proliferation of broken glass and other litter in City neighborhoods and authorizing the President of Council, on behalf of the Council, to accept gifts and grants in conjunction with litter control programs and the implementation of programs developed by the Council to combat litter.

Whereas, the proliferation of broken glass and other litter in City neighborhoods has become a threat to the safety and welfare of our citizens; and

Whereas, this Council needs to work with retailers and distributors to develop ways to combat this problem without harming the economic recovery of our City; and

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

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

Section 1. That this Council hereby determines that efforts to combat the proliferation of broken glass and other litter in City neighborhoods should be a major goal of the City.

Section 2. That this Council wishes to work with area retailers and distributors to develop programs to deal with the City's litter problem.

Section 3. That the President of Council, on behalf of Council, is hereby authorized to accept gifts and grants from various entities, both public and private, in conjunction with litter control programs, and the courts, for the implementation of programs developed by the Council to combat litter, to file all papers and execute all documents necessary to receive such funds and, upon acceptance, said gifts and grants shall be appropriated for the purposes for which they were given.

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

Referred to Director of Law; Committee on Finance.

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 1196-96.

By Councilmen Miller and Rokakis (by departmental request).

An ordinance authorizing the Director of Port Control to enter into agreements with parking lot operators located off airport property, in order to assess fees to such companies for use of airport property in the conduct of the companies' business at Cleveland Hopkins

International Airport, and to issue permits for the use of airport property pursuant to said agreements.

Whereas, there are a number of parking lot operators located off airport property, which provide services to customers by regularly entering airport property to pick-up and drop-off customers; and

Whereas, imposition of an off airport user fee would increase revenue for, and provide fairer distribution of costs of airport operations, maintenance and airport growth; now, therefore

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

Section 1. That the Director of Port Control is hereby authorized to enter into agreement(s) with off-airport parking lot operators hereby the off-airport operator, in exchange for use of airport property, shall be assessed a monthly user fee of 8% of gross revenues for its use of airport property in the conduct of such operator's business in providing transportation to customers to and from the operator's facilities and the airport. Further, said Director is authorized to issue permits to said off-airport operators for use of airport property pursuant to such user fee agreements. Such agreement and permit shall contain such provisions as shall be deemed necessary by the Director of Law.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1197-96.

By Councilman Polensek.

An ordinance to change the Use District of lands on the southerly side of Lake Shore Boulevard, N.E. between E. 169 Street and E. 174 Street. (Map Change No. 1911, Sheet No. 7)

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

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

Beginning at the intersection of the center line of Nottingham Road, N.E., Lake Shore Boulevard, N.E. and the center line of East 174 Street; thence southerly along said center line of East 174 Street to its intersection with the easterly extension of a line located forty (40) feet north of the northerly line of Sublot No. 27 in the (Melton E. Bertrom) Boulevard Allotment as recorded in Volume 64, Page 29 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said line which is parallel to and forty (40) feet north of said northerly line of said Sublot No. 27 to its intersection with the easterly line of Sublot No. 30 in said (Melton E. Bertrom) Boulevard Allotment; thence southerly along said easterly line of said Sublot No. 30 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 30 and continuing westerly along the southerly line of Sublot No. 31 in said (Melton E. Bertrom) Boulevard Allotment to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 31 to its intersection with a line located one hundred sixty (160) feet

south of the southerly line of Lake Shore Boulevard, N.E.; thence westerly along said line which is parallel to and one hundred sixty (160) feet south of said southerly line of Lake Shore Boulevard, N.E. and along its westerly extension to the center line of East 171 Street; thence southerly along said center line of East 171 Street to its intersection with the easterly extension of a line located two hundred (200) feet south of said southerly line of Lake Shore Boulevard, N.E.; thence westerly along said easterly extension and along said line which is parallel to and two hundred (200) feet south of said southerly line of Lake Shore Boulevard, N.E. to its intersection with a line located approximately one hundred seven and thirteen hundredths (107.13) feet west of the westerly line of East 171 Street; thence southerly along said line which is parallel to and approximately one hundred seven and thirteen hundredths (107.13) feet west of said westerly line of East 171 Street to its intersection with a line located two hundred fifty (250) feet south of said southerly line of Lake Shore Boulevard, N.E.; thence westerly along said line which is parallel to and two hundred fifty (250) feet south of said southerly line of Lake Shore Boulevard, N.E. to its intersection with a line located approximately one hundred fifteen and forty four hundredths (115.44) feet east of the easterly line of East 169 Street; thence northerly along said line which is parallel to and approximately one hundred fifteen and forty four hundredths (115.44) feet east of said easterly line of East 169 Street to its intersection with a line located two hundred (200) feet south of said southerly line of Lake Shore Boulevard, N.E.; thence westerly along said line which is parallel to and two hundred (200) feet south of said southerly line of Lake Shore Boulevard, N.E. and along its westerly extension to the center line of East 169 Street; thence northerly along said center line of East 169 Street to its intersection with the easterly extension of a line located approximately fifty six and forty one hundredths (56.41) feet north of the northerly line of Sublot No. 57 in the Moreland Allotment as recorded in Volume 64, Page 29 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said line which is parallel to and approximately fifty six and forty one hundredths (56.41) feet north of said northerly line of said Sublot No. 57 to its intersection with a line located sixty (60) feet west of the westerly line of East 169 Street; thence northerly along said line which is parallel to and sixty (60) feet west of said westerly line of East 169 Street and along its northerly extension to the center line of Lake Shore Boulevard, N.E.; thence easterly along said center line of Lake Shore Boulevard, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Business District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1911, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of

Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 1198-96.

By Councilman Polensek.

An ordinance to change the zoning of lands on both sides of Waterloo Road, N.E. between Shiloh Road, N.E. and west of E. 152 Street and between E. 160 Street and E. 162 Street. (Map Change No. 1909, Sheet No. 7)

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

Section 1. To change the Use District of lands bounded and described as follows,

Beginning at the intersection of the northeasterly extension of the southeasterly line of Sublot No. 16 in the C.W. Moses Allotment as recorded in Volume 11, Page 35 of the Cuyahoga County Map Records and the center line of Shiloh Road, N.E.; thence southeasterly along said center line of Shiloh Road, N.E. to the center line of Waterloo Road, N.E.; thence northeasterly and easterly along said center line of Waterloo Road, N.E. to the center line of East 160 Street; thence northerly along said center line of East 160 Street to its intersection with the westerly extension of the northerly line of Sublot No. 268 in the Lakeshore Boulevard Company Allotment as recorded in Volume 27, Page 25 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 268 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 268 and along its southerly extension to the center line of Burbank Court, N.E.; thence easterly along said center line of Burbank Court, N.E. to the center line of East 162 Street; thence southerly along said center line of East 162 Street to the center line of Waterloo Road, N.E.; thence westerly along said center line of Waterloo Road, N.E. to the center line of East 160 Street; thence southerly along said center line of East 160 Street to the center line of Shasta Court, N.E.; thence westerly along said center line of Shasta Court, N.E. to the center line of East 156 Street; thence southerly along said center line of East 156 Street to its intersection with the easterly extension of the southerly line of Sublot No. 114 in the C.W. Moses Allotment as recorded in Volume 27, Page 12 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said southerly line of said Sublot No. 114 to its intersection with a line located one hundred twenty (120) feet southeast of the southeasterly line of Waterloo Road, N.E.; thence southwestwardly along said line which is parallel to and one hundred twenty (120) feet southeast of said southeasterly line of Waterloo Road, N.E. to its intersection with the easterly line of Sublot No. 115 in said C.W. Moses Allotment; thence southerly along said easterly line of said Sublot No. 115 and along its southerly extension to the center line of Calcutta

Avenue, N.E.; thence westerly along said center line of Calcutta Avenue, N.E. to its intersection with the northerly extension of the easterly line of Sublot No. 124 in said C.W. Moses Allotment; thence southerly along said northerly extension and along said easterly line of said Sublot No. 124 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 124 and continuing westerly along the southerly lines of Sublots Nos. 123, 122, and 121 in said C.W. Moses Allotment to its intersection with the easterly line of Sublot No. 86 in the J. W. McClure Allotment as recorded in Volume 27, Page 20 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 86 and along its southerly extension to the center line of Daniel Avenue, N.E.; thence westerly along said center line of Daniel Avenue, N.E. to the center line of East 152 Street; thence northerly along said center line of East 152 Street to the center line of Waterloo Road, N.E.; thence southwesterly along said center line of Waterloo Road, N.E. to the center line of Westropp Avenue, N.E.; thence westerly along said center line of Westropp Avenue, N.E. to its intersection with the southwestwesterly extension of a line located approximately one hundred eighty five (185) feet northwest of the northwesterly line of East 152 Street; thence northeasterly along said southwestwesterly extension and along said line which is parallel to and approximately one hundred eighty five (185) feet northwest of said northwesterly line of East 152 Street to its intersection with a line located approximately one hundred fifty eight and eighty three hundredths (158.83) feet south of the southerly line of Upton Avenue, N.E.; thence easterly along said line which is parallel to and approximately one hundred fifty eight and eighty three hundredths (158.83) feet south of said southerly line of Upton Avenue N.E. to its intersection with a line located approximately one hundred seven and twenty one hundredths (107.21) feet northwest of said northwesterly line of East 152 Street; thence northeasterly along said line which is parallel to and approximately one hundred seven and twenty one hundredths (107.21) feet northwest of said northwesterly line of East 152 Street and along its northeasterly extension to the center line of Upton Avenue, N.E.; thence easterly along said center line of Upton Avenue, N.E. to the center line of East 152 Street; thence northerly along said center line of East 152 Street; to its intersection with the westerly extension of the northerly line of Sublot No. 9 in the C.W. Moses Allotment as recorded in Volume 11, Page 35 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 9 to its intersection with the northeasterly line thereof; thence southeasterly along said northeasterly line of said Sublot No. 9 to its intersection with said southeasterly line of said Sublot No. 16; thence northeasterly along said southeasterly line of said Sublot No. 16 and along its northeasterly extension to the place of beginning, and as outlined in red on the map hereto attached be and the same is hereby changed to a Local Retail District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1909, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 1199-96.

By Councilman Zone.

An ordinance to change the Use, Area, and Height Districts of lands north of Lorain Avenue on the west side of W. 110 Street. (Map Change No. 1910, Sheet No. 2)

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

Section 1. That the Use, Area, and Height Districts of lands bounded and described as follows,

Beginning at the intersection of the easterly extension of the northerly line of Sublot No. 5 in the Lorain Heights (Conger-Helper Realty Company) Allotment as recorded in Volume 55, Page 13 of the Cuyahoga County Map Records and the center line of West 110 Street; thence southerly along said center line of West 110 Street to its intersection with the easterly extension of the southerly line of Sublot No. 4 in said Lorain Heights (Conger-Helper Realty Co.) Allotment; thence westerly along said easterly extension and along said southerly line of said Sublot No. 4 to its intersection with the westerly line thereof; thence northerly along said westerly line of said Sublot No. 4 and continuing northerly along the westerly line of said Sublot No. 5 to its intersection with said northerly line thereof; thence easterly along said northerly line of said Sublot No. 5 and along its easterly extension to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Business District, a 'C' Area District, and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1910, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1200-96.

By Councilman Miller (by request).

An emergency resolution declaring the intention to vacate a portion of Giles Road S.W. and Sprecher Avenue S.W.

Whereas, this Council is satisfied

that there is good cause for vacating a portion of Giles Road S.W. and Sprecher Avenue S.W., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: GILES ROAD S.W. (40.00 feet wide), Northerly from the Northerly line of Giles Road S.W. vacated by Ordinance Number 421-87, passed by the Council of the City of Cleveland on April 6, 1987 to the Southerly line of that portion of Giles Road S.W. vacated by Ordinance Number 1975-69, passed by the Council of the City of Cleveland on December 15, 1969, AND;

SPRECHER AVENUE S.W. (50.00 feet wide) beginning at the point of intersection of the Southerly line of Sprecher Avenue S.W., 50.00 feet wide, with the Northwesterly line of Giles Road S.W. (40.00 feet wide); thence Northeasterly along the prolongation of the said northwesterly line of Giles Road to a point in the northerly line of Sprecher Avenue; thence Westerly along the said Northerly line of Sprecher Avenue, a distance of 31.32 feet; thence at right angles to the last described courses, a distance of 50.00 feet to the point of beginning.

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.

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

Res. No. 1201-96.

By Councilman Britt (by request). An emergency resolution declaring the intention to vacate a portion of East 90th Street.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 90th Street, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: EAST 90TH STREET (45.00 feet wide), extending Northerly from the Northerly line of Carnegie Avenue S.E. (80.00 feet wide), to the Southerly line of Euclid Avenue S.E. (80.00 feet wide), including its turnouts on Carnegie Avenue S.E. and Euclid Avenue S.E.

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.

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

Res. No. 1202-96.

By Councilman Patton (by request).

An emergency resolution declaring the intention to vacate Mann Avenue S.E.

Whereas, this Council is satisfied that there is good cause for vacating Mann Avenue S.E., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: MANN AVENUE S.E. (50.00 feet wide), extending West-erly from the Westerly line of Jo-Ann Drive S.E. (50.00 feet wide), to the Easterly line of East 183rd Street (50.00 feet wide).

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

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

Res. No. 1203-96.

By Councilman White (by request).

An emergency resolution declaring the intention to vacate a portion of The First Unnamed Alley East of East 93rd Street and North of Cassius Avenue S.E.

Whereas, this Council is satisfied that there is good cause for vacating a portion of The First Unnamed Alley East of East 93rd Street and North of Cassius Avenue S.E., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as:

Being all that portion of THE FIRST UNNAMED ALLEY (15.00 feet wide), East of East 93rd Street extending Northerly from the Northerly line of Cassius Avenue S.E. (50.00 feet wide), to that portion of said Alley vacated by the Council of the City of Cleveland by Ordinance Number 1395-49.

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.

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

Councilman O'Malley entered the meeting.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1204-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Sunny Properties, Ltd., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a commercial building located at 4317 Chester Avenue, Cleveland, Ohio 44103.

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 hereby authorized to enter into a contract with Sunny Properties, Ltd., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a commercial building located at 4317 Chester Avenue, Cleveland, Ohio 44103.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1204-96-A.

Section 3. That the costs of said contract shall not exceed One Hundred Eighty-Three Thousand Dollars (\$183,000.00), and shall be paid from Fund No. 18 SF 001, Request No. 22280.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1205-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 63rd Street to Ronie A. Stephens 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). 118-03-034, as more fully described in Section 2 below, to Ronie A. Stephens 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. 118-03-034

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the northerly 35 feet from front to rear of Sublot No. 19 and the southerly 15 feet from front to rear of Sublot No. 20 in Clara M. Hannon's Subdivision of a part of Original One Hundred Acre Lot No. 337 as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the westerly side of East 63rd Street (formerly Kensington St.), and extending back of equal width 148-48/100 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.

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.

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

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

Ord. No. 1206-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1704-1718 East 60th Street and 5902 Quimby Avenue to Jerome and Deborah Williams.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 104-20-026 and 104-20-027, as more fully described in Section 2 below, to Jerome and Deborah Williams.

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

P.P. No. 104-20-026

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublots Nos. 177, 178, 179, 180, 181 and 182 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by

the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, together forming a parcel of land 199.98 feet front on the Westerly side of East 60th Street and extending back between parallel lines 95.07 feet along the Southerly side of Quimby Avenue N.E. on the North and the Northerly side of Belvidere Avenue N.E. on the South and being about 199.98 feet wide in the rear, as appears by said plat.

Subject to Zoning Ordinances, if any.

Permanent Parcel No. 104-20-027

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 183 and the Easterly 21-1/2 feet of Sublot No. 184 in the Park Realty Company's Re-Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 26 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land having a frontage 56.5 feet on the Southerly side of Quimby Avenue N.E., and extending back between parallel lines about 200 feet to the Northerly line of Belvidere Avenue N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 1207-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 63rd Street to Duane Smith 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). 118-03-092, as more fully described in Section 2 below, to Duane Smith 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. 118-03-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 21 in Claire M. Hannon's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and forming a parcel of land, bounded and described as follows:

Beginning in the Southerly line of Hough Avenue N.E. (60 feet wide) at an iron pin set at the Northerly corner of said Sublot No. 21; thence Easterly along said Southerly line of Hough Avenue N.E., 61 feet to an iron pin; thence Southerly along a line parallel with the Westerly line of said Sublot No. 21, 57.81 feet to an iron pin set in the Southerly line of parcel of land conveyed to Margaret E. Lewis by deed dated May 9, 1905, and recorded in Volume 978, Page 126 of Cuyahoga County Records; thence Westerly along said Southerly line of land conveyed to Margaret E. Lewis, 61 feet to an iron pin set in the Westerly line of said Sublot No. 21; thence Northerly along said Westerly line of Sublot No. 21, 57.76 feet to the place of beginning, 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 Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

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

Ord. No. 1208-96.
By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 70th Street, 1875 East 70th Street and 1879 East 70th Street to Robert Grace 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). 118-07-055B, 118-07-056, 118-07-057, as more fully described in Section 2 below, to Robert Grace 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. 118-07-055-B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 29 and 30 and part of Sublot No. 31 in Streater and Adams Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4, page 4 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at an iron pin set at a point on the easterly line of East 70th Street, 50 feet wide (formerly Russell Street), said point being Due South along the said easterly line of East 70th Street 17.34 feet from the northwesterly corner of said Sublot No. 31; thence South 89

degrees 32' 13" East along a line parallel to the northerly line of Sublot No. 31, and distant south 17.34 feet, a distance of 195.19 feet to an iron pin set;

Thence South 0 degrees 03' 46" West along the easterly line of Sublots Nos. 31 thru 29, a distance of 119.69 feet to an iron pin set in the southeasterly corner of said Sublot No. 29;

Thence North 89 degrees 14' 01" West, along the southerly line of said Sublot No. 29, 195.07 feet to an iron pin set in the Easterly line of East 70th Street;

Thence Due North along the said easterly line of East 70th Street, a distance of 118.66 feet to the Point of Beginning and containing 23,253 square feet of land according to a survey by Ronald V. Garnett, Registered Professional Land Surveyor No. 5828, be the same more or less, but subject to all legal highways.

P.P. No. 118-07-56

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as the Northerly 44 feet from front to rear of Sublot No. 30 and the Southerly 2 feet from front rear of Sublot No. 31 in Streater and Adams Subdivision of Part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records and together forming a parcel of land 46 feet front on the Easterly side of East 70th Street and extending back of equal width 194 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-07-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 29 and the Southerly one foot of Sublot No. 30 in the Streater and Adams Subdivision of a part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 and 5 of Cuyahoga County Records, and together forming a parcel of land 47 feet front on the Easterly side of East 70th Street (formerly Russell Avenue) and extending back between parallel lines 194 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 1209-96.
By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1890 and 1884 East 70th Street to Alexander Boone.

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). 118-07-044 and 118-07-045, as more fully described in Section 2 below, to Alexander Boone.

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. 118-07-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 34 in Streater and Adams' Subdivision of part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of said Sublot No. 34 at the Northeasterly corner of the first parcel of land conveyed to the Frank L. Cody Building Company by deed recorded in Volume 607, Page 457 of Cuyahoga County Records; thence Easterly along the Northerly line of said Sublot No. 34, 167.71 feet to the Westerly line of East 70th Street, (formerly Russell Avenue); thence Southerly along said Westerly line of East 70th Street, 65 feet to the Southeasterly corner of said Sublot No. 34; thence Westerly along the Southerly line of Sublot No. 34 to the Southeasterly corner of said parcel

so conveyed to the Frank L. Cody Building Company; thence Northerly parallel with the Westerly line of East 70th Street about 64.88 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 118-07-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 35 in W.S. Steator and D. Adams Subdivision of part of Original One Hundred Acre Lot Nos. 338 and 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 70th Street (formerly Russell Street) at the Southeast corner of said Sublot No. 35; thence Northerly along the Westerly line of East 70th Street, 56 feet; thence Westerly parallel with the Southerly line of Sublot No. 36 in said Subdivision 173.45 feet; thence Southerly 6 feet to the Northerly line of a parcel of land conveyed by James L. Higgins, to Mary T. Terry, and husband to the Frank L. Cody Building Company, by deed dated March 9, 1896 and recorded in Volume 629, Page 402; thence Westerly, along a Southerly line of land so conveyed to the Frank L. Cody Building Company, 3 feet; thence Southerly along the Easterly line of land so conveyed to the Frank L. Cody Building Company, 50 feet to the Southerly line of said Sublot No. 35; thence Easterly along the Southerly line of said Sublot No. 35, 176 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 1210-96.
By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1880 East 70th Street and 1876 East 70th Street to Gwendolyn and Jerold Sims.

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). 118-07-046 and 118-07-047, as more fully described in Section 2 below, to Gwendolyn and Jerold Sims.

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. 118-07-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots, Nos. 35 and 36 in Streater and Adams Subdivision of part of Original One Hundred Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 70th Street, (formerly Russell Avenue), at the Northeast corner of land conveyed to Mary T. Terry by deed dated June 1, 1901, and recorded in Volume 794, Page 36 of Cuyahoga County Records; thence Northerly along said Westerly line of East 70th Street, 39 1/2 feet; thence Westerly on a line parallel to said Northerly line of land so conveyed to Mary T. Terry, 173 feet to the Easterly line of land conveyed to The Frank L. Cody Building Company by deed dated March 11, 1896, and recorded in Volume 642, Page 5 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed to The Frank L. Cody Building Company 39 1/2 feet to the North Westerly corner of land so conveyed to Mary T. Terry; thence Easterly along the Northerly line of said land conveyed to Mary T. Terry, 173 feet to the place of beginning.

Subject to an easement recorded in Volume 2135, Page 618 of Cuyahoga County Records.

P.P. No. 118-07-047

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

Ohio, and known as being part of Sublots Nos. 36 and 37 in Streater & Adams Subdivision of part of Original 100 Acre Lots Nos. 338 & 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 70th Street (formerly Russell Avenue) at a point distant 39 1/2 feet Northerly from the Northeast corner of land conveyed by Charles S. Williamson to Mary T. Terry by deed dated June 1, 1901, and recorded in Volume 794, Page 36 of Cuyahoga County Records; thence Westerly on a line parallel to the Northerly line of land so conveyed to Mary T. Terry, 173 feet to the Easterly line of land conveyed by Houston H. Poppleton and Lucina H. Poppleton to The Frank L. Cody Building Company by deed dated March 11, 1896, and recorded in Volume 642, Page 5 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to said The Frank L. Cody Building Company, 39 1/2 feet to the Northwest corner of land conveyed by Houston H. Poppleton (wife) to Charles S. Williamson by dated dated May 17, 1901 and recorded in Volume 785, Page 140 Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Charles S. Williamson, 173 feet to the Westerly line of East 70th Street; thence Southerly along said Westerly line of East 70th Street, about 39 1/2 feet to the place of beginning, be the same more or less, but subject to all legal highways, together with and subject to an eight foot common driveway on the South, as the same appears of record four feet of which is on the premises above described.

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

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

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

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

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

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

Ord. No. 1211-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 70th Street to Briant J. Taylor.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-07-054 and 118-07-055 (parcel A), as more fully described in Section 2 below, to Briant J. Taylor.

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. 118-07-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 225 in Streater and Adams Re-Subdivision of part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat of said Re-Subdivision in Volume 13 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 70th Street (formerly Russell Street) at the Northwesterly corner of said Sublot No. 225; thence Southerly along said Easterly line of East 70th Street, 44-32/100 feet to a point, 5-68/100 feet Northerly (measured along said Easterly line), from the Southwesterly corner of said Sublot No. 225; thence Easterly on a line parallel to the Southerly line of said Sublot No. 225 about 168-85/100 feet to the Easterly line of said Sublot No. 225; thence Northerly along said Easterly line of Sublot No. 225, 44-32/100 feet to the Northeastly corner of said Sublot No. 225; thence Westerly along said Northerly line of Sublot No. 225, 168-83/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 118-07-055

Parcel A

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known Sublots Nos. 225

and 226 in Streater and Adams Re-Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 13, page 6 of Cuyahoga County Map Records and part of Sublot No. 31 in Streater and Adams Subdivision of part of Original 100 Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 4, page 4 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at a point on the easterly line of East 70th Street 50 feet wide (formerly Russell Street), said point being an iron pin set on the northwesterly corner of said Sublot No. 225, thence South 89 degrees 31' 36" East, 168.83 feet to an iron pin set in the northeasterly corner of said Sublot No. 225;

Thence South 0 degrees 02' 03" East, along the easterly line of Sublot No. 225, and continuing along the easterly line of Sublot No. 226, a distance of 101.29 feet to an iron pin set in the southeasterly corner thereof;

Thence South 89 degrees 32' 13" East along the northerly line of the aforementioned Sublot No. 31, a distance of 26.32 feet to an iron pin set in the northeasterly corner thereof;

Thence South 0 degrees 03' 46" East along the easterly line of said Sublot No. 31, a distance of 17.34 feet to an iron pin set;

Thence North 89 degrees 32' 13" West along a line parallel to the northerly line of said Sublot No. 31, and distant southerly 17.34 feet, a distance of 195.19 feet to an iron pin set in the easterly line of East 70th Street;

Thence due North along the said easterly line of East 70th Street, 118.66 feet to the Point of Beginning and containing 20,490 square feet of land according to a survey by Ronald V. Garnett, Registered Professional Land Surveyor No. 5828, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 1212-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1890 East 79th Street, 1898-1900 East 79th Street, 1904 - East 79th Street to Cynthia H.D. Moore.

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). 118-10-001, 002, 003, 004, 005, as more fully described in Section 2 below, to Cynthia H.D. Moore.

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. 118-10-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 and the Northerly 21 feet 3 inches of Sublot No. 14 in D.E. and L.E. Holden's Re-Allotment of their allotment of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat of said Allotment in Volume 4 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land 65 feet front on the Westerly side of East Madison Avenue (now known as East 79th Street) and extending back of equal width 160 feet, 6 inches deep, excepting, however, from the above described parcel of land, a strip 9 feet in width taken from the Easterly end thereof for the purpose of widening East Madison Avenue, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinance, if any.

P.P. No. 118-10-002

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the Northerly 25 feet of Sublot No. 13 and the Southerly 23 feet, 9 inches of Sublot No. 14 in D.E. and L.E. Holden's Re-Subdivision of part of Original 100 Acre Lot No. 339, as shown by the recorded plat in Volume 4 of Maps, Page 49 of Cuyahoga County

Records, and together forming a parcel of land having a frontage of 53 feet, 9 inches on the Westerly side of East 79th Street (formerly East Madison Avenue) and extending back of equal width 151 feet, 6 inches to an unnamed 12 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-10-003, 004 and 005 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 and the Southerly 20 feet to rear Sublot No. 13 in D.E. and L.E. Holden Re-Allotment of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 4 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 65 feet on the Westerly side of East 79th Street (formerly East Madison Avenue) and extending back of equal width 160 feet 6 inches to an unnamed 12 foot alley, as appears by said plat, excepting therefrom a strip of land 9 feet in width from the Easterly end of said Sublot No. 12 ad part of Sublot No. 13 taken for purposes of widening East 79th Street, be the same more or less, but subject to all legal highways.

And by Quit Claim Deed dated May 13, 1985, recorded May 14, 1985 in Volume 85-2891, Page 58.

3693 Hildana Road, Shaker Heights, OH 44120

Subject to Zoning Ordinances, if any.

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

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

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

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

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

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

Ord. No. 1213-96.

By Councilman Lewis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ministerial Head Start Superior Academy to stretch small flags on various light poles on Superior Avenue, between Addison and Giddings, for the period from July 15, 1996 to August 15, 1996, inclusive, publicizing its Grand Opening.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Ministerial Head Start Superior Academy to install, maintain and remove small flags on various light poles on Superior Avenue, between Addison and Giddings for the period from July 15, 1996 to August 15, 1996, inclusive. Said small flags 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 small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1214-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance to repeal Ordinance No. 876-96, passed June 10, 1996, relating to authorizing the Director of Port Control to enter into agreements with parking lot operators located off airport property, in order to assess fees to such companies for use of airport property in the conduct of the companies' business at Cleveland Hopkins International Airport, and to issue permits for the use of airport property pursuant to said agreements.

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 Ordinance No. 876-96, passed June 10, 1996, is hereby repealed.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1215-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to lease space at Rockwell Towers, 1701 East 13th Street from the Rockwell Company, or their designees, for a term not to exceed five years, with five one-year options to renew, for the public purpose of providing office space for Cleveland Job Training and Placement System of the Department of Personnel and Human Resources.

Whereas, the City of Cleveland requires certain space located at Rockwell Towers, 1701 East 13th Street for the public purpose of providing office space for the Cleveland Job Training and Placement System of the Department of Personnel and Human Resources; and

Whereas, The Rockwell Company, or their designees, has proposed to lease said space to the City of Cleveland; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Personnel and Human Resources is authorized to lease from The Rockwell Company, or their designees, approximately 33,302 square feet of space in the Rockwell Towers, 1701 East 13th Street, Cleveland, Ohio 44114, in the amounts as follows: approximately 24,083 square feet on the second floor; approximately 6,402 square feet on the first floor; and approximately 2,807 square feet of storage in the basement.

Section 2. That the term of the lease authorized by Section 1 shall not exceed five years, with five one-year options exercisable by the Director of Personnel and Human Resources, and cancellable upon thirty days written notice by said director.

Section 3. That the rent for the lease authorized by Section 1 shall not exceed \$7.00 per square foot, exclusive of utilities, plus a two-month rental deposit. The total annual rent, excluding any deposit, shall not exceed \$233,144.00.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose or purposes of office space for the Cleveland Job Training and Placement System of the Department of Personnel and Human Resources.

Section 5. That the lease may pro-

vide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the cost of the lease shall be paid from Fund No. 15 SF 060, Request No. 22480.

Section 7. That the lease shall provide that the City shall have the right to cancel the lease in any year program funds for the payment of rent are no longer available from the State or federal government.

Section 8. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 9. That the Director of Personnel and Human Resources and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 10. 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1216-96.
By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with Malco, Inc., or its designee, for customized occupational skills training, for the Department of Personnel and Human Resources.**

Whereas, Malco, Inc. has applied for a loan through the City's Department of Economic Development to acquire new computer equipment; and

Whereas, Malco, Inc. desires to train eligible economically disadvantaged youth and adults and dislocated workers to operate that equipment; 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 Personnel and Human Resources, is hereby authorized and directed to enter into contract with Malco, Inc., or its designee, for professional services necessary to provide customized occupational skills training for eligible economically disadvantaged youth and adults and dislocated workers under the Job Training Partnership Act, in the total sum of \$125,000.00, payable from Fund Nos. 15 SF 051 and 15 SF 055, Request Nos. 22929 and 22930, for the Department of Personnel and Human Resources.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1217-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modification in Contract No. 48230 for the Crown-Morgan Interconnect Project, Phase III, with Lott Construction Co./Triad Engineering and Contracting, Inc. for the Department of Public Utilities.

Whereas, Ordinance No. 1608-95, passed October 23, 1995, authorized the Director of Public Utilities to enter into a subsidiary agreement to City Contract No. 48230 with Lott Construction Co./Triad Engineering and Contracting, Inc.; and

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 48230 with Lott Construction Co./Triad Engineering and Contracting, Inc. for the Crown-Morgan Interconnect Project, Phase III, for the Department of Public Utilities:

Work Item Description	Estimated Quantity	Unit Price	Unofficial Extension
STORM SEWER REPLACEMENT			
Storm sewer installation			
- 12" VCP	900 lf	\$ 90.00	\$ 81,000.00
- 15" VCP	902 lf	\$ 98.00	\$ 88,396.00
Manholes	13 each	\$ 2,586.00	\$ 33,618.00
Catch basins	7 each	\$ 1,421.00	\$ 9,947.00
12x6 wyes	19 each	\$ 163.00	\$ 3,097.00
15x6 wyes	17 each	\$ 263.00	\$ 4,471.00
	SUBTOTAL:		\$220,529.00
ROADWAY REPLACEMENT			
Remove existing curb	1520 lf	\$ 4.25	\$ 6,460.00
Remove aprons	265 sq. yd.	\$ 21.00	\$ 5,565.00
4" underdrain	1520 lf	\$ 8.65	\$ 13,148.00
Install new curbs	1520 lf	\$ 11.50	\$ 17,480.00
Install new aprons	265 sq. yd.	\$ 60.25	\$ 15,966.25
Plane and resurface roadway	2533 sq. yd.	\$ 4.70	\$ 11,905.10
Remove/Replace road castings			
- Catch Basins	7 each	\$ 700.00	\$ 4,900.00
- Sewer covers	4 each	\$ 800.00	\$ 3,200.00
Remobilization, if/as required	Lump Sum	\$ 4,500.00	\$ 4,500.00
	Lump Sum	concrete \$ 5,066.00	\$ 5,066.00
		asphalt	

Traffic Maintenance	Lump Sum	\$ 6,512.00	\$ 6,512.00
Additional Bond Cost	Lump Sum		\$ 500.00
	subtotal:		\$ 95,202.35
Plus 5%			\$ 4,760.12
	SUBTOTAL:		\$ 99,962.47
TOTAL STORM SEWER AND ROADWAY REPLACEMENT			\$320,491.47
Original Contract Amount		\$ 3,383,578.00	
First Subsidiary Additions		+ 638,027.62	(Ord. No. 1608-95)
Revised Contract Amount		\$ 4,021,605.62	
Revised Contract Amount		\$ 4,021,605.62	
Additions this subsidiary		+ 320,491.47	
TOTAL REVISED CONTRACT AMOUNT		\$ 4,342,097.09	

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised pursuant to Ordinance No. 1608-95, passed October 23, 1995, in the sum of \$320,491.47, to be paid from Fund Nos. 52 SF 219 and 10 SF 401.

Section 2. That the Director of Public Service and the Director of Public Utilities hereby acknowledge that the Department of Public Service shall reimburse the Division of Water for the roadway replacement portion of the work. Accordingly, the Director of Public Service is hereby authorized and directed to transfer funds to the Division of Water to reimburse the Division of Water for such costs.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1218-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11813 Imperial Avenue, 3448 East 130th Street, 3452 East 130th Street, 3547 East 140th Street, 3665 East 143rd Street, 13400 Lambert Avenue, 3614 East 143rd Street and 3656 East 154th Street to Mt. Pleasant Now 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). 129-27-081, 130-23-019, 130-23-020, 139-01-151, 139-02-137, 137-12-090, 139-01-091, 139-19-

112, as more fully described in Section 2 below, to Mt. Pleasant Now Development Corporation.

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. 129-27-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in the Woodhill Park Sanda Allotment of part of Original One Hundred Acre Lot Nos. 436 and 437, as shown by the recorded plat in Volume 48 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Northerly side of Imperial Avenue, S.E., and extending back between lines, 120 feet deep, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 130-23-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in William H. Kelly's Heirs Allotment of part of Original One Hundred Acre Lot Nos. 453 and 445, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 130th Street (formerly Louise Avenue) and extending back of equal width 164 feet, as appears by said plat.

P.P. No. 130-23-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in the W.H. Kelley Heirs' Allot-

ment No. 1 of part of Original One Hundred Acre Lot Nos. 445 and 453, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 130th Street (formerly Louise Street), and extending back of equal width 164 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 139-01-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Bartlett Homestead Subdivision No. 1 of part of Original Warrensville Township Lot No. 51, as shown by the recorded plat in Volume 46 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 140th Street, and extending back 167.25 feet on Northerly line, 167.36 feet on the Southerly line, and having rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P.P. No. 139-02-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 81 in the Kinner Allotment of part of Original Warrensville Township Lot Nos. 51 and 61, as shown by the recorded plat in Volume 40 of Maps, Page 9 of Cuyahoga County Records and being a parcel of land 40 feet front on the Easterly side of East 143rd Street and extending back of equal width 103.31 feet, as appears

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

P.P. No. 137-12-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28A in M.S. Melzers Mount Pleasant Subdivision of part of Original One Hundred Acre Lot No. 454, as shown by the recorded plat in Volume 50 of Maps, Page 35 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lambert Avenue, S.E., and extending back 139.17 feet on the Easterly line, 139.27 feet on the Westerly 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. 139-01-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in the Kinner Allotment of part of Original Warrensville Township Lot Nos. 51 and 61, as shown by the recorded plat in Volume 40 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 143rd Street, and extending back between lines 100 feet deep, be the same more or less, but subject to all legal highways.

P.P. No. 139-19-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 157 in the Shaker Overlook Land Company's Subdivision of part of Original Warrensville Township Lot Nos. 51, 52, 61 and 62, as shown by the recorded plat in Volume 65 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 154th Street, (formerly Liberty Boulevard), and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 1219-96.

By Councilman Robinson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Mt. Pleasant Community Council to stretch banners on Kinsman at Martin Luther King Dr., Kinsman at E. 118th Street, Kinsman at E. 143rd Street, and Martin Luther King Dr. and Parkhill for the period from July 15, 1996 to August 5, 1996, inclusive, publicizing its 33rd Community/Family Day.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Mt. Pleasant Community Council to install, maintain and remove banners on Kinsman at Martin Luther King Dr., Kinsman at E. 118th Street, Kinsman at E. 143rd Street, and Martin Luther King Dr. and Parkhill for the period from July 15, 1996 to August 5, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1220-96.

By Councilman Rokakis (by departmental request).
An emergency ordinance to transfer the sum of Three Hundred Thousand Dollars (\$300,000) within the Division of Property Management of the General Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

Whereas, this ordinance constitutes an emergency measure pro-

viding 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 sum of Three Hundred Thousand Dollars (\$300,000) be the same and hereby transferred as follows:

GENERAL FUND

DIVISION OF PROPERTY MANAGEMENT

	FROM	TO
I. Personnel and Related Expenses	\$300,000	
II. Other Expenses		\$300,000
TOTAL GENERAL FUND	\$300,000	\$300,000

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1221-96.

By Councilman Smith.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Ignatius High School to stretch small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from August 15, 1996 to September 15, 1996, inclusive, publicizing its Reunion and Cleveland's Bicentennial.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Ignatius High School to install, maintain and remove small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from August 15, 1996 to September 15, 1996, inclusive. Said small flags 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 small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1223-96.

By Councilman Westbrook.

An emergency ordinance to amend Section 1 of Resolution No. 1122-96, adopted June 10, 1996, relating to the laying, relaying and repairing of sidewalks and curbing on certain streets.

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

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

Section 1. That Section 1 of Resolution No. 1122-96, adopted June 10, 1996, is hereby amended to read as follows:

"Section 1. That the sidewalks and curbing on the following streets, at locations hereinafter named and between the points described, including both the frontages and depths of corner lots where said streets intersect, be laid, relaid and repaired, with either stone-flagging or concrete, to the full width of the present sidewalks or curbing on the following streets and in accordance with the established grade on each street respectively:

London Road (Euclid Avenue to Railroad Tracks)

West 115th Street (Fruitland Court to Clifton Boulevard)

West 100th Street (the following addresses: 3119, 3120, 3122, 3123, 3127, 3133, 3137, 3140, 3144, 3148)

West 99th Street (the following address: 3183)

Section 2. That existing Section 1 of Resolution No. 1122-96, passed June 10, 1996, is hereby repealed.

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

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

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

Ord. No. 1224-96.

By Councilmen Westbrook, Coats and Polensek.

An emergency ordinance authorizing and naming of the Committee Meeting Room of Cleveland City Council to The Mercedes Cotner Committee Room.

Whereas, it is most fitting and

appropriate to recognize Mercedes Cotner for her years of dedicated service to the citizens of Cleveland; and

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

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

Section 1. That the name of City Hall Room 217, the City Council Committee Room, is hereby changed to The Mercedes Cotner Committee Room.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of an appropriate plaque to reflect the change of name.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1225-96.

By Councilman Britt.

An emergency resolution objecting to the transfer of location of a D4 Liquor Permit to 12117 Mayfield Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D4 Liquor Permit from Permit No. 26155980007, Fai Com Club, 12020 Mayfield Road, Cleveland, Ohio 44106, to Permit No. 2615598-00071, Fai Com Club, 12117 Mayfield Road, Cleveland, Ohio 44106; and

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

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

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

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

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

Whereas, this objection is based

on other legal grounds as set forth in Revised Code Section 4303.292; and

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a D4 Liquor Permit from Permit No. 26155980007, Fai Com Club, 12020 Mayfield Road, Cleveland, Ohio 44106, to Permit No. 2615598-00071, Fai Com Club, 12117 Mayfield Road, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1226-96.

By Councilmen Coats, Westbrook and Polensek.

An emergency resolution urging the U.S. Justice Department to move swiftly and utilize all available resources to identify the perpetrators of the recent surge of church burnings, and urging the U.S. Congress to establish Community Reinvestment Act monies and to establish a source of federal funding through grants and low interest loans for rebuilding churches that were and are burned down by perpetrators of hate crimes.

Whereas, this Council believes that the burning down of churches is among the most disgusting and disgraceful acts that one can commit; and

Whereas, the recent steps being taken by the majority Congress to enact laws that ban church burning through its legislative empowerment are commendable, but serve no real remedy for worshippers and communities whose churches have already been burned to the ground; and

Whereas, this Council views church burning as a very serious, national health and safety crisis, as innocent lives are threatened each time a church is set afire; and

Whereas, the recent explosion of church burnings brings to mind the burning and bombing of churches in the 1960s, where 3 innocent little black girls were killed, where fam-

illies' dreams were destroyed, and where communities burst into violence; and

Whereas, it has been well stated that "without a watchful eye, history will certainly repeat itself"; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it is paramount that citizens of these United States feel free to worship without threat of being killed during worship; now, therefore,

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

Section 1. That this Council urges the U.S. Justice Department to move swiftly and utilize all available resources to identify the perpetrators of the recent surge of church burnings.

Section 2. That this Council urges the U.S. Congress to establish Community Reinvestment Act monies and to establish a source of federal funding through grants and low interest loans for rebuilding churches that were and are burned by perpetrators of hate crimes.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1227-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by planting, trimming, or removing shade trees, and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.

Whereas, the maintenance of trees in the Shaker Square area of the City of Cleveland involves special costs due to adverse natural conditions; and

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during the 1996-97 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, or removing shade trees and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during a 12-month period beginning during 1996 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council; and

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

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

Section 1. That it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants thereof to control the blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities (collectively, "Tree Maintenance") in and along a portion of Shaker Boulevard in the City of Cleveland for a 12-month period beginning during 1996.

Section 2. That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1996-97 Shaker Boulevard Tree Maintenance District" which shall include all territory within the following boundaries:

BOUNDARIES OF SHAKER BOULEVARD TREE MAINTENANCE DISTRICT

Being all that portion of Shaker Boulevard S.E. (190 feet wide) extending Easterly from the Easterly line of Woodhill Road S.E. to the Southerly-prolongation of the Easterly line of East 130th Street (50 feet wide).

Section 3. That the plans, specifications and profiles for said Tree Maintenance, at the estimated cost of \$30,875.00, heretofore prepared and placed in File No. 1227-96-A in the Office of the Clerk of Council, are hereby approved.

Section 4. That the entire cost of such Tree Maintenance in the 1996-97 Shaker Boulevard Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1996-97 Shaker Boulevard Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

Section 5. That the assessments to be levied shall be payable in cash within thirty (30) days after passage of the City's ordinance of assessment or at the option of the owner in one (1) annual installment. All cash payments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 6. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessment.

Section 7. That the Commissioner of Assessments and Licenses is hereby authorized and directed to prepare and file in the Office of the Clerk of Council an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based upon the estimated cost of the Tree Maintenance which is now on file in the Office of the Clerk of Council.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1228-96.

By Councilman Polensek. An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit to 16015 Lake Shore Blvd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 10728810755, Buckeye P.H. Inc., dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 5927201-0145, Midland Food Services LLC, dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Sec-

tion 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 10728810755, Buckeye P.H. Inc., dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 5927201-0145, Midland Food Services LLC, dba Pizza Hut, 16015 Lake Shore Blvd., Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1229-96.

By Councilman Polensek.

An emergency resolution urging the Administration to implement tough enforcement of the City's curfew laws and to fund additional programs for minors after school and during the summer.

Whereas, the City's neighborhoods continue to experience serious problems from minors wandering the streets in violation of the City's curfew laws; and

Whereas, on June 10, 1996, this Council passed Ordinance No. 1831-95, which toughens the City's "night-time" curfew laws in a manner similar to the City's "daytime" curfew laws; and

Whereas, these laws, among other things, place a duty on parents to take reasonable steps to insure that their children are in school and to prohibit their children from being on the streets during the curfew hours; and

Whereas, these laws can only be effective, however, if they are enforced; and

Whereas, with hot summer days approaching, it is imperative that the police increase activities to keep minors off the streets in violation of the City's curfew laws; and

Whereas, the Administration should provide additional programs for minors after school and during the summer, giving priority to neighborhoods that lack existing programs, in order to provide activities for these minors; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that strict

enforcement of the City's curfew laws can result in a safer, more peaceful summer for us all; now, therefore,

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

Section 1. That this Council hereby urges the Administration to implement tough enforcement of the City's curfew laws in order to keep minors off the streets and out of trouble during curfew hours.

Section 2. That this Council further urges the Administration to fund additional programs for minors after school and during the summer, giving priority to neighborhoods that lack existing programs, in order to provide our youths with an outlet for their energies and to keep them off the streets.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1230-96.

By Councilman Rokakis.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Road, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 5513090, Marano Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, to Permit No. 4238040, Jankaus Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure pro-

viding for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 5513090, Marano Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, to Permit No. 4238040, Jankaus Inc., dba Sidekicks, 2139 Broadview Road, first floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1231-96.

By Councilman Rokakis.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3893 West 23rd Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6167219, Ayman Morra, dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, to Permit No. 9974419, Zurub Inc., dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department

of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6167219, Ayman Morra, dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, to Permit No. 9974419, Zurub Inc., dba Hilton Market, 3893 West 23rd Street, first floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1232-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3664 East 65th Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 8771027, T.J.G. Inc., 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, to Permit No. 6804214, Penny G. Corp., dba Penny's Lounge, 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105; and

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

Whereas, the applicant does not

qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 8771027, T.J.G. Inc., 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, to Permit No. 6804214, Penny G. Corp., dba Penny's Lounge, 3664 East 65th Street, first floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1233-96.

By Councilmen Westbrook, Miller and Polensek.

An emergency resolution urging the operators of the Great Lakes Museum of Science and Technology to enter into a pre-hiring recognition agreement with the ticket-sellers and projectionists at the museum and a project labor agreement with the Building Trades

Council and the Service Employees Union for future maintenance and repair of the facility.

Whereas, more than most cities, the City of Cleveland has benefited from the achievements of union labor; and

Whereas, this City Council places a high value on the right of workers to collectively bargain for wages and benefits; and

Whereas, practically all of the development in Cleveland that has contributed so greatly to the City's revival was performed by union labor; and

Whereas, this Council has supported the efforts of the Great Lakes Museum of Science and Technology to establish a memorable attraction on the City's lakefront; and

Whereas, the upcoming opening of the museum is a time for the City to celebrate; and

Whereas, it is the wish of this Council that the members of the City's unions benefit from the jobs that will be available with the opening of this museum; and

Whereas, it is the belief of this Council that the ticket-sellers and projectionists at the museum should receive a pre-hiring recognition agreement; and

Whereas, this Council further believes that the operators of the museum should negotiate a project labor agreement with the Building Trades Council and the Service Employees Union for all future repairs and maintenance of the facility; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the protection of the rights of union labor in Cleveland will benefit all of our citizens; now, therefore,

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

Section 1. That this Council hereby urges the operators of the Great Lakes Museum of Science and Technology to enter into a pre-hiring recognition agreement with the ticket-sellers and projectionists at the museum.

Section 2. That this Council hereby further urges the operators of the Great Lakes Museum of Science and Technology to enter into a project labor agreement with the Building Trades Council and the Service Employees Union for future maintenance and repair of the museum facility.

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the operators of the Great Lakes Museum of Science and Technology.

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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1234-96.

By Councilmen Willis, Coats, Jackson, Patmon, McGuirk, Britt, Melena, Polensek, Rokakis Miller, White, Lewis, Rybka, Westbrook, Robinson, Johnson and Zone.

An emergency resolution urging the Ohio General Assembly to enact a deposit law for glass bottles and requesting the Council President to arrange a meeting between the Cuyahoga County delegates to the Ohio Assembly and the sponsors of this legislation.

Whereas, the retail sale of certain beverages in breakable glass containers which are improperly disposed of when empty has resulted in such a proliferation of broken glass in and upon the streets, parks, and other public grounds of the City of Cleveland and other major cities throughout the State of Ohio, as to render said public grounds dangerous to the citizens and particularly to the children of this State; and

Whereas, the problem of broken glass caused by improper disposal of empty beverage bottles poses a serious health and safety problem; and

Whereas, it is virtually impossible to recycle glass once it is broken and it is virtually impossible to remove all broken glass from grassy areas in parks and recreational areas; and

Whereas, establishing an incentive or rewards program for the recycling of glass bottles is one means available to combat the problem of broken glass littering streets, sidewalks, parks, and other public areas of the City, and

Whereas, this resolution constitutes an emergency measure for the health, safety, and welfare of the citizens of the State of Ohio; now, therefore,

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

Section 1. That this Council urges the Ohio General Assembly to enact a deposit law for glass bottles.

Section 2. That the President of Council is requested forthwith to arrange a meeting between the Cuyahoga County delegates to the Ohio General Assembly and various members of this Council, including the Council President, the Majority Leader, the Majority Whip, and the sponsors of this legislation, concerning the enactment of a deposit law for glass bottles in the State of Ohio.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to each of the Cuyahoga County delegates to the General Assembly, as well as to the President of the Ohio Senate and the Speaker of the Ohio House of Representatives.

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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Councilman Rokakis entered the meeting.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1439-94.**

By Councilmen Brady, Patton and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting a new Section 129.153 thereof, relating to regulation of tree trimming.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Legislation, Finance.

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

Ord. No. 1139-95.

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

An emergency ordinance authorizing the Director of Community Development to apply for a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the renovation of the Central YMCA branch and to enter into a contract with the Greater Cleveland YMCA, or its designee, to provide economic development assistance for the renovation of the Central YMCA branch located at East 22nd and Prospect Avenue.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. Strike Section 5 in its entirety and insert in lieu thereof:

"Section 5. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1139-95-A."

2. Strike Section 7 in its entirety and insert in lieu thereof:

"Section 7. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law."

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 1227-95.

By Councilmen Brady, Patton and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 129.35 and 129.36 thereof, relating to establishing an Office of Radio Communications System Management and authorizing the issuance of permits for access to the 800 MHz Radio Communications System; authorizing the Director of Public Utilities to enter into contracts for the operation, maintenance and expansion of the 800 MHz Radio Communications System; authorizing the purchase of related services and equipment; authorizing the acquisition of various rights and interest in real property; and authorizing leasing out of tower space.

Approved by Directors of Public

Utilities, Finance, Law; Recommended by Committees on Public Utilities, Legislation, Finance; when amended as follows:

1. In Section 10, line 3, after "Inc." insert **"for the various departments of City government"**.

2. In Section 10, strike the last sentence in its entirety.

3. Insert new Sections 15, 16, and 17 to read, respectively, as follows:

"Section 15. That prior to entering into any contract authorized herein, the Director of Public Utilities shall give written notice of same to Council.

Section 16. That prior to entering into any lease to lease out tower space as authorized in Section 8 herein, the Director of Public Utilities shall give written notice of same to Council.

Section 17. That prior to entering into any contract authorized herein for expenditures in excess of Ten Thousand Dollars (\$10,000.00), the Director of Public Utilities shall give written notice to Council."

4. Renumber existing Section 15 and Section 16, respectively, to new **"Section 18"** and **"Section 19"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 1432-95.

By Councilmen Polensek, Pianka, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at East 152nd Street and known as Collinwood Yards for the Department of Economic Development for the purpose of redevelopment of the area.

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

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

Ord. No. 144-96.

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

An emergency ordinance declaring the property located at 2654 Lisbon Road blighted premises pursuant to Section 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.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. Insert new Sections 5 and 6 to read, respectively, as follows:

"Section 5. That the Mayor is hereby authorized to convey by official Deed or Deeds title to the blighted premises at a price to be determined by the Board of Control.

Section 6. That the Director of Community Development is hereby authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Paveo Incorporated, or its designee, for the

redevelopment and/or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises. Said project agreement shall be substantially in the form of that contained in Council File No. 144-96-A."

2. Renumber existing Section 5 and Section 6, respectively as new "Section 7" and "Section 8".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 151-96.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance for the development of a Hampton Inn to be constructed at East 9th Street and Superior Avenue; and to enter into contract with 1460 Ninth Street Associates, Ltd., or its designee, to provide economic development assistance for said development.

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

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

Ord. No. 258-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fleet washing, for the Division of Purchases and Supplies, Department of Finance, for a period not to exceed two years.

Approved by Directors of Finance, Law; Recommended by Committee on Finance; when amended as follows:

1. In the title, lines 4 and 5 and in Section 1, lines 7 and 8, strike "for the Division of Purchases and Supplies, Department of Finance" and insert in lieu thereof "for the various divisions of City government".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 312-96.

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

An emergency ordinance declaring the property located at 9813-15 North Boulevard blighted premises pursuant to Section 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 said premises to Famicos Foundation, or its designee.

Approved by Directors of Community Development, City Planning

Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 6, line 7, strike "583-91-A" and insert in lieu thereof "312-96-A".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 348-96.

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

An emergency ordinance proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Approved by Directors of Economic Development, Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 1, at the end, add the following new legal description:

"Legal Description For Portion Of Block B

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Block B in the Kroehle Company's Westport Subdivision of a part of Original Rockport Township Section No. 3, as shown by the recorded plat in Volume 111 of Maps, page 39 of Cuyahoga County Records and further bounded and described as follows:

Beginning at the Northwest corner of Block B, said corner being on the Easterly line of Rocky River Drive S.W.,

thence South 89°30'20" East, 87.68 feet to a point; said point being on the Westerly line of S.R. 713, and also being the true place of beginning;

thence continuing South 89°30'20" East, 17.98 feet to the Northeast corner of Block B, as aforesaid;

thence South 0°32'40" West along the Easterly line of said Block B, 74.98 feet to the Southeast corner thereof and to a point on the Northerly line of Westport Avenue S.W. (54 feet wide);

thence North 89°27'20" West along the Northerly line of Westport Avenue S.W., 29.94 feet to a point;

thence North 9°36'33" East, 75.91 feet to the true place of beginning and containing 5858 square feet of land (0.1345 acres) be the same more or less, but subject to all legal highways and easements of record. This legal description was prepared from records using an assumed meridian to designate angles only, by Jomarie Wasik, P.S. (#7027) on May 13, 1996."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 349-96.

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

An emergency ordinance proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Cleveland Trust Company, as trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.

Approved by Directors of Economic Development, Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 1, strike the legal description for Permanent Parcel No. 029-06-002 in its entirety.

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 367-96.

By Councilman Paulenske (by request).

An emergency ordinance authorizing the Director of Public Regency House Limited Partnership to encroach into the public right-of-way of East 9th St. and Superior Ave. for canopies, awnings, and building overhangs for the construction of the Hampden Inn.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

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

Ord. No. 617-96.

By Councilmen Jackson, Johnson, Patton, Coats and Rokakis (by departmental request).

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXII Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements. CDBG Year XXII.

Approved by Directors of Community Development, Parks, Recreation and Properties, Public Utilities, Public Service, Finance, Law; Recommended by Committees on Community and Economic Development, Public Parks, Properties and Recreation, Public Utilities, Public Service, Finance.

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

Ord. No. 632-96.

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

An emergency ordinance declaring the property located at 9817-19 North Boulevard blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976, and authorizing the Director of Community Development to acquire the blight-

ed premises and sell said premises to Famicos Foundation, or its designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 6, line 7, strike "583-91-A" and insert in lieu thereof the following "632-96-A".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 634-96.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute an easement granting to 1460 Ninth Street Associated, Ltd. (Hampton Inn) certain easement rights in property located at East 9th and Rockwell and declaring said easement rights no longer needed for public use.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Properties and Recreation, City Planning, Finance.

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

Ord. No. 702-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program. CDBG Year XXII.

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

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

Ord. No. 709-96.

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

An emergency ordinance to amend the title, Sections 3, 4 and 9 of Ordinance No. 928-95, passed June 12, 1995, relating to the West 187th Street Rehabilitation Project.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Recommended by Committees on Public Utilities, City Planning, Finance.

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

Ord. No. 767-96.

By Councilmen Polensek and Rokakis.

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Finley Fire Equipment for the purchase of replacement

parts for Pierce fire apparatus, and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety, for a period not to exceed two years.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 768-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Sutphen Corporation for the purchase of replacement parts for Sutphen fire apparatus and, if necessary, the purchase of parts and labor to repair accident damage in order for such equipment to remain under warranty, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety, for a period not to exceed two years.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 823-96.

By Councilmen Polensek and McGuirk (by departmental request).

An emergency ordinance to establish No Right Turns at the specific intersections in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, pursuant to Sections 413.09 and 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to No Right Turns.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance; when amended as follows:

1. In Section 1, strike lines 10, 11 and 12 in their entirety and insert in lieu thereof the following:

"WARD

10

INTERSECTION

E. 146 and St. Clair

DIRECTION

Southbound and Westbound

WARD

19

INTERSECTION

Lorain at West Boulevard

DIRECTION

Eastbound, and any other direction as the Commissioner of Traffic Engineering shall determine is necessary. The directions for which this restriction applies at this intersection shall be added to the list contained in File No. 106-76 on file with the Clerk of Council, and when so filed shall have the same force and effect as if expressly identified in this ordinance."

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legisla-

tion was furnished to each member of Council before final passage.

Ord. No. 824-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1996-97 Caribbean/Gang Task Force.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 825-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one breathing air compressor and appurtenances, for the Division of Fire, Department of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 826-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the lease of hangar space for police aircraft and the purchase of aviation fuel, for the Division of Police, Department of Public Safety, for a period of one year, with a one year option to renew.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 827-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services for the 1996 Ohio EMS Grant.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

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

Ord. No. 832-96.

By Councilmen Rybka, Polensek and McGuirk (by departmental request).

An emergency ordinance to repeal Section 457.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2603-91, passed August 19, 1992, and to supplement said Codified Ordinances by enacting new Section 457.04 relating to signs.

Approved by Directors of City Planning Commission, Public Safety, Finance, Law; Recommended by Committees on City Planning, Public Safety, Legislation, Finance; when amended as follows:

1. In Section 2, at division (d)(5) of Section 457.04, line 14, strike "four (4)" and insert in lieu thereof "six

(6)"; and in line 15, between "height" and the period insert ", and shall be placed, as approved by the City Planning Director, only where necessary to provide instructions to customers of the parking facility".

2. In Section 2, at division (e)(5)A. of Section 457.04, at the end, between "August 1, 1997" and the period insert ", except that any nonconforming sign installed pursuant to a Building Permit issued between June 1, 1991 and May 31, 1996, shall be replaced or removed by August 1, 1998".

3. In Section 2, at division (c) of Section 457.04, line 4, after "regulations," insert the following new sentence: "Such sign may also be used to indicate that the garage is "full."".

4. In Section 2, after division (d)(6) of Section 457.04, insert a new division "(d)(7)" to read as follows:

"(d)(7) Temporary Signs. For a newly-established license parking facility, the following temporary signs shall be permitted for a period not exceeding sixty (60) days following the opening of the parking facility:

A. signs substituting for approved but not-yet-installed permanent signs, conforming, to the maximum extent feasible, with all regulations and design standards for permanent signs except those pertaining to fabrication materials; and

B. for each vehicular entrance, one wall-mounted banner, not exceeding forty (40) square feet in area, or one free-standing temporary sign, not exceeding ten (10) square feet in area, announcing the opening of the parking facility.".

5. In Section 2, at Section 457.04, add a new division "(f)" to read as follows:

"(f) Application. Plans for installation of signs regulated in this section shall be submitted to the City Planning Director either prior to or concurrently with submission of any required Building Permit application. The plans shall be sufficient to demonstrate compliance with all regulations of this section and with the design standards adopted by the City Planning Commission pursuant to the provisions of this section. No signs regulated in this section shall be installed before approval by the City Planning Director and issuance of any required Building Permit.".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 872-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Byrne Memorial for the Teen Court Program.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Finance; when amended as follows:

1. In Section 1, line 3, strike "\$35,701.50" and insert in lieu thereof **"\$41,898.47"**.

2. In Section 2, line 4, strike "\$11,900.50" and insert in lieu thereof **"\$13,966.16"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 918-96.

By Councilmen Coats and Rokakis (by departmental request).

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

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

1. In Section 1, lines 6, 7 and 8, strike "excluding the Department of Public Utilities, as set forth in detail on the attachment to Request No. 20006 on file in the office of the Division of Purchases and Supplies," and insert in lieu thereof **"as detailed in the document entitled "Listing of 1996 Vehicle Purchases" contained in File No. 919-96-A. For each type of vehicle listed under the column entitled "Description" on the document to said file, the vehicle(s) shall be purchased solely for the use of the department or division listed under the column entitled "Division," the total cost of each type of vehicle shall not exceed the total amount listed under the column entitled "Total Cost" and the cost of each type of vehicle shall be paid solely from the funds identified under the appropriate column. The total amount of all purchases pursuant to this ordinance shall not exceed \$5,440,000.00."**

2. In Section 3, line 2, after "10 SF 006," insert the following: **"52 SF 001, 58 SF 001."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 919-96.

By Councilmen Patton and Rokakis (by departmental request).

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

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

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

Ord. No. 921-96.

By Councilmen Jackson and Rokakis (by departmental request).

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

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance, Law; when amended as follows:

1. In Section 1, line 3, after "program:" add the following list:

**"A Cultural Exchange
AACCESS, Ohio
Alta Social Settlement
American Sickle Cell Anemia Association
Bellflower Center for Prevention of Child Abuse, Inc.
Better Living Center
Boys and Girls Clubs of Cleveland (Broadway)
Boys and Girls Clubs of Cleveland (Mt. Pleasant)
Boys and Girls Clubs of Cleveland (West Side)
Brooklyn Memorial Community Youth Center
Brownettes Academy of Charm, Inc.
Catholic Youth and Community Services Corp. Hispanic Senior Center
Catholic Youth and Community Services Corp. Martin DePorres Center
Center for Families and Children Center for the Prevention of Domestic Violence
Cleveland Mediation Center
Cleveland Women, Inc.
Collinwood Community Services Center/Elderly
Collinwood Community Services Center/Youth
Community Re-Entry, Inc./Elderly
Community Re-Entry, Inc./Counseling
Community Re-Entry, Inc./Youth Counseling
Community Socialization Program/Ward 6
Cornerstone Connection
Cory Senior Citizens Program
Custom Enrichment Center
Delta Tutoring and Nutrition Program, Inc.
East End Neighborhood House
EBC Ferry Development Corp.
El Barrio
Esperanza, Inc.
First United Methodist Church/Project Heat
Garden Valley Neighborhood House
GLAD Center, Inc.
Golden Age Centers of Greater Cleveland
Goodrich Gannett Neighborhood Center
Greater Cleveland Neighborhood Centers Assn./Midtown Professional Center/Elderly
Greater Cleveland Neighborhood Centers Assn./Midtown Professional Center/SNR
Guardian House Shelter aka Gogotha Baptist Church
Harambee: Services to Black Families
Harvard Community Services Center
Hijos de Borinquen Spanish American Center
Hunger Network of Greater Cleveland
Interchurch Council of Greater Cleveland
Karamu House, Inc.
Lexington Bell Community Center
M.C. Chatman Center for Humanitarian Services
Marotta Montessori Schools of Cleveland
May Dugan Multi-Service Center
Merrick House, Inc./Adult
Merrick House, Inc./Youth
Neighborhood Counseling Services
New Cleveland Food Basket Program
New Eye Glass Service
Nottingham Youth Center
OUR Community Center, Inc.
Glenville A.C.'s
Phillis Wheatley Association**

**Police Athletic League
Salvation Army, The/Family
Salvation Army, The/Elderly
Senior Citizen Resources/Elderly
Comprehensive
Senior Citizen Resources/Transportation Program
Senior Outreach Services
Services for Independent Living, Inc.**

**Spanish American Committee for a Better Community
Starting Point
Substance Abuse Initiative of Greater Cleveland
Triumph House
Werner Community Outreach Program
West Side Community House/Elderly**

**West Side Community House/Child Day Care
West Side Counseling Consortium
West Side Ecumenical Ministry
YMCA - Broadway Branch
YMCA - Central Branch/West Side
YMCA - Glenville Branch
YMCA - Midtown East Branch aka East Urban YMCA**

YMCA - West Park Branch".
2. In Section 3, line 2, delete "\$3,080,000.00" and insert "\$3,230,000.00".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 922-96.

By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance, Law; when amended as follows:

1. In Section 1, line 3, after "Program:" add the following list:

**"A.M.E. Corporation
American Community Developers
Buckeye Area Development Corporation
Burten, Bell, Carr
CASH
Clark-Metro Development Corporation
Cleveland Housing Network
ColeJon
Detroit Shoreway Community Development Organization
Fairfax Renaissance Development Corporation
Famicos Foundation
Glenville Development Corporation
Grace Hospital
Mt. Pleasant Now Development Corporation
Neighborhood Revitalization Partners
New Village Corporation
Northeastern Neighborhood Development Corporation
Rysar Properties
Tremont West Development Corporation
Weinberger Group
Zaremba Cleveland Communities".**

2. In Section 1, at the end of the list, add "Volunteers of America".

3. In Section 3, line 2, delete "\$4,700,000.00" and insert "\$4,950,000.00".

4. In Section 3, line 2, after "SF 855", insert "14 SF 019".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 923-96.

By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities. CDBG Year XXII.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance, Law; when amended as follows:

1. In Section 1, line 2, at the end of line 2, add the following:

**"City-wide Development Assistance Program
Cleveland Housing Network
Cleveland Neighborhood Development Corporation
Cleveland Tenants Organization
Living in Cleveland Center
Cleveland Restoration Society
Hispanic Business Association
Lutheran Housing Corporation:
Furnace Repair
Lutheran Housing Corporation:
Tool Loan
NHS of Cleveland, Inc.**

**CDC Competitive Grant Program
Amistad Development Corporation
Bellaire Puritas Development Corporation**

**Broadway Area Housing Coalition
Buckeye Area Development Corporation**

**Burten, Bell, and Carr Development Corporation
Clark Metro/HANDS**

**Collinwood Community Services Center
Collinwood Village Development Corporation**

**Cudell Improvement, Inc.
Detroit-Shoreway Community Development Organization**

**Fairfax Renaissance Development Corporation
Famicos Foundation**

**Flats Oxbow Development Corporation
Friends of Shaker Square**

**Glenville Development Corporation
Historic Gateway Development Corporation**

**Historic Warehouse District
Hough Area Partners in Progress**

**Kamms Corner Development Corporation
Little Italy 2000**

**Midtown Corridor
Miles Ahead
Mt. Pleasant Now**

**Nolasco Housing Corporation
Northeast Shores Development Corporation**

**Northeastern Neighborhood Development Corporation
Ohio City Near West Development Corporation**

**Old Brooklyn CDC
Old Brooklyn USA**

**Slavic Village Broadway Development
Southeast Improvement Association**

St. Clair-Superior Coalition

**St. Vincent Quadrangle
Tremont West Development Corporation
Union-Miles Development Corporation**

Westown Community Development Corporation"

2. In Section 2, delete "\$2,236,000.00" and insert "\$2,194,000.00".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 924-96.

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

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

Approved by Directors of Parks, Recreation and Properties, Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Properties and Recreation, Community and Economic Development, City Planning, Finance; when amended as follows:

1. In the title, line 11, strike "15.0" and insert in lieu thereof the following: "13.0".

2. In the first Whereas clause, line 3, after "land" insert "(the "Zone")".

3. In the second Whereas clause, line 2, after "Agreement" insert "(J.D.A.)".

4. Insert a fourth new Whereas clause, to read as follows: "Whereas, that the J.D.A. requires that the City and Village share income tax revenue such that the City will receive seventy-five percent (75%) of net income taxes of employees relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and".

5. In the existing seventh Whereas clause, line 3, after "Schools," insert "City of Cleveland programs funded by the Jobs Training Partnership Act".

6. In Section 5, at the end, strike the period and insert the following: "which quitclaim deed shall contain such provisions as deemed necessary by the Director of Law to protect the public interest."

7. In Section 7, line 2, after "Director of Law," insert the following: "and shall be"; and at the end of the first paragraph in Section 7, at the end, strike the period and insert the following: "or the Sale Parcel shall revert to the City."; and at the end of the second paragraph in Section 7, strike the period and insert the following: "or the Option Parcel shall revert to the City."

8. Strike Section 10 in its entirety and insert in lieu thereof to read as follows:

"Section 10. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development are authorized to prepare and execute easements to Cleveland

Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporations, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and assigns, to provide necessary services to the various properties within Cleveland Enterprise Park, and a temporary easement for purposes of ingress and egress to the Sale Parcel to National City Bank or its designee."

9. In Section 11, line 4, strike "may be necessary or appropriate" and insert in lieu thereof the following: "are necessary".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. Passed. Yeas 16. Nays 3. Those voting yeas were Councilmen: Coats, Jackson, Lewis, McGuirk, Melena, Miller, Patton, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis. Those voting nays were Councilmen: O'Malley, Polensek, Zone. Absent: Councilmen Britt, Johnson.

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. 926-96.

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

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

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

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

Ord. No. 928-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to refurbish the exterior of the Burke Lakefront Airport terminal building, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 929-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of removing asbestos and asbestos containing materials from various sites at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Approved by Directors of Port

Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 930-96.

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

An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit and the Street Crime Unit. CDBG Year XXII.

Approved by Directors of Public Safety, Community Development, Finance, Law; Recommended by Committees on Community Development, Public Safety, Finance, Law.

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

Ord. No. 940-96.

By Council

An emergency ordinance an emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,160,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Approved by Directors of Public Parks, Properties and Recreation, Finance, Law; Recommended by Committees on Public Parks, Properties and Recreation, Finance; when amended as follows:

1. In title, line 4, delete "\$3,160,000" and insert in lieu thereof "**\$2,860,000**".

2. In the first "Whereas" clause, line 2; and in Section 1, line two; and in Section 9, lines 3 and 4, delete "Three Million One Hundred Sixty Thousand Dollars (\$3,160,000)" and insert in lieu thereof "**Two Million Eight Hundred and Sixty Thousand Dollars (\$2,860,000)**".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 941-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance for the issuance and sale of bonds in the maximum principal amount of \$4,955,000 for the purpose of providing funds to improve municipal recreation facilities, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

Approved by Directors of Public Parks, Properties and Recreation, Finance, Law; Recommended by Committees on Public Parks, Properties and Recreation, Finance; when amended as follows:

1. In title, line four, delete

"\$4,955,000" and insert in lieu thereof "**\$5,355,000**".

2. In the first "Whereas" clause, line 2; and in Section 1, line two; and in Section 9, lines 3 and 4, delete "Four Million Nine Hundred and Fifty-five Thousand Dollars (\$4,955,000)" and insert in lieu thereof "**Five Million Three Hundred and Fifty-five Thousand Dollars (\$5,355,000)**".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 943-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$2,150,000 for the purpose of providing funds for improving the Cleveland Convention Center, to pay capitalized interest and to pay all expenses incurred in connection with the issuance of the bonds; to authorize agreements with respect to the bonds; and to authorize the issuance of notes in anticipation of such bonds.

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

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

Ord. No. 1010-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2220 East 82nd, 2241 East 81st, 2239 East 80th, 2237 East 80th and 2242 East 80th Streets to Fairfax Renaissance Development Corporation.

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

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

Ord. No. 1012-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Castle Precision Industries, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment to produce aircraft landing gear, located at 12401 Taft Avenue, Cleveland, Ohio.

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

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

Ord. No. 1013-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by

requirement contract of labor and materials necessary to install rebuilt gasoline and diesel engines, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1014-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of tires, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1015-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of automotive and truck parts, including labor if necessary, and an inventory control service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1016-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Meyer snow plow and spreader parts, and labor for installation, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1017-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automobile and truck oils and lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1018-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair rear loading packer bodies, excluding cylin-

ders, for the Division of Waste Collection and Disposal, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1019-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair, as needed, compactors, tire shredder and push pits at the Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Recommended by Committees on Public Service, Finance.

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

Ord. No. 1020-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 69th Street to Burten, Bell and Carr Development Corporation or designee.

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

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

Ord. No. 1022-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3605 East 65th Street to Broadway Area Housing Coalition.

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

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

Ord. No. 1023-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the issuance of parking facilities refunding revenue bonds of the City of Cleveland in the maximum aggregate principal amount of \$85,000,000 (except in the event that any series 1996 bonds are to be offered at an original issue discount), for the purpose of advance refunding the City's outstanding parking facilities improvement revenue bonds, series 1992; authorizing a trust indenture providing for the rights of the holders of the refunding bonds and pledging pledged revenues to secure those bonds; authorizing a first supplemental trust indenture, a bond purchase agreement, an escrow agreement, an official statement and related agree-

ments; and authorizing and approving related matters.

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

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

Ord. No. 1025-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East side of East 37th Street through East 43rd Street, Central to Cedar to Burten, Bell and Carr Development Corporation or its designee.

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

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

Ord. No. 1027-96.

By Councilmen Lewis, Patmon, Britt, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant funds to enter into all contracts and related documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Midtown Corridor, Inc., or their designees, to allow these Community Based Development Organizations to contract with Vocational Guidance Services to provide a job training, matching, and placement service for Empowerment Zone residents, all in accordance with the City's Empowerment Zone Strategic Plan.

Approved by Directors of Economic Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 1, at the end, add the following: "**That said contracts shall provide the designated Empowerment Zone Community Based Development Organization the right to designate representatives of the respective Neighborhood Advisory Council who will work with Vocational Guidance services in recruiting candidates in hiring staff of the respective Neighborhood Based Job Match Teams.**"

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 1028-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Emerald Research Park, Ltd., or its designee, to provide economic development assistance to partially finance the construction of infrastructure, an access road and other

site improvements to facilitate the development of the Emerald Research Park, located in Cleveland, Ohio.

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

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

Ord. No. 1030-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ohio Avenue and 15209 Lincoln Avenue to Amistad Development Corporation.

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

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

Ord. No. 1035-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with MALCO Incorporated, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and computer equipment, located at 14200 Darley Avenue, Cleveland, Ohio.

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

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

Ord. No. 1036-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, be enacting new Section 135.54 thereof, relating to obtaining access to computerized law enforcement information through the Law Enforcement Automated Data System (LEADS), for the Department of Public Safety, Division of Police.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Legislation, Finance; when amended as follows:

1. In Section 2, line 2, strike "01-60-02-032" and insert in lieu thereof "01-60-02-0320".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time. 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. 1038-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with Environmental Careers Organization, Inc. for professional services to recruit, select and place

summer interns, for the Division of Environment, Department of Public Health.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

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

Ord. No. 1039-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase or lease by contract of a Medical Mobile Unit for the Department of Public Health, Division of Health, for the Healthy Family Healthy Start Project.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

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

Ord. No. 1040-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contract with Cleveland Housing Network for the implementation of the Lead-based Paint Abatement on Low and Moderate Income Private Housing Program.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

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

Ord. No. 1041-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of a 1997 criminal and civil filing system, including but not limited to accessories, and labor if necessary, for the Cleveland Municipal Court.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

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

Ord. No. 1042-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of computer supplies, for the Division of Information Systems Services, Department of Finance.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

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

Councilman Rokakis left the meeting.

Ord. No. 1043-96.

By Councilmen Rokakis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Memphis Fulton Associates, or its designee, to provide economic development assistance to partially finance the completion of the rehabilitation of the real property

known as the Memphis Fulton Shopping Center located in Cleveland, Ohio.

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

The rules were suspended. Yeas 18. Nays 0. Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1044-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Charter One Bank, or its designee, to provide for a ten (10) year abatement for certain real and tangible personal property taxes as an incentive to construct an operations center at 4103 Memphis Avenue located in the Cleveland Area Enterprise Zone.

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

The rules were suspended. Yeas 18. Nays 0. Read third time. Passed. Yeas 18. Nays 0.

Councilman Rokakis entered the meeting.

Ord. No. 1046-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12109 Wade Park Avenue to Robert C. and Carrie L. Jones.

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

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

Ord. No. 1106-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Continental Airlines, Inc. for an aircraft hangar and freight terminal facility at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 1110-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1921 and 1623 Denison Avenue; 3896-98 West 34th Street and 3739 West 36th Street to Old Brooklyn Community Development Corporation or its designee.

Approved by Directors of Community Development, City Planning, Finance, Law; Recommended by Committees on Community and Eco-

conomic Development, City Planning, Finance.

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

Ord. No. 1111-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3322 West 43 Street and 3319 West 43 Street to Caren Meagher.

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

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

Councilman Westbrook left the meeting.

Ord. No. 1112-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1320 West 110th Street to Nugent Bros. Renovation and Construction Company.

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

The rules were suspended. Yeas 18. Nays 0. Read third time. Passed. Yeas 18. Nays 0.

Councilman Westbrook entered the meeting.

Ord. No. 1113-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9212 Miles Avenue and 9216 Miles Avenue to Triumph The Church and Kingdom of God In Christ.

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

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

Ord. No. 1116-96.

By Councilmen Westbrook and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

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

SECOND READING ORDINANCE PASSED

Ord. No. 935-96.

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

An ordinance to amend Sections

535.05, 535.06 of the Codified Ordinances of Cleveland, Ohio, 1976, and to restate Sections 535.04, 535.18 and 535.21 of said Codified Ordinances, as amended by Ordinance No. 2013-95, passed April 1, 1996, relating to rates, rules and regulations for water service provided by the Division of Water, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Legislation, Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 946-96.

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

An emergency resolution declaring the necessity and intention to appropriate property located at 15900 Lake Shore Boulevard (partial taking) and 16013-15 Damon Avenue for public use for the municipal purpose of expanding the Humphrey Park Facility.

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

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 938-96.

By Councilmen Coats and Rokakis (by departmental request).

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

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 939-96.

By Councilmen Coats and Rokakis (by departmental request).

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

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 942-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$45,000,000 to advance refund certain of the city's out-

standing various purpose general obligation bonds issued in the years 1986, 1987, 1988, 1989 and 1990 and to pay expenses incurred in the issuance of those bonds and that refunding, and authorizing the execution and delivery of an escrow agreement and other agreements with respect to the bonds and the advance refunding.

Read third time. Passed. Yeas 19. Nays 0.

LAI D ON THE TABLE

Ord. No. 822-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed five heavy duty vehicles, for the Division of Water Pollution Control, Department of Public Utilities.

Without objection, Ordinance No. 822-96 was Laid on the Table pursuant to the Rules of Council.

The Council resolved itself to the Committee of the Whole.

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

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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 1235-96.

By Councilmen Westbrook and Rybka.

An emergency ordinance authorizing and directing the Mayor and the Director of Parks, Recreation and Properties to enter into a First Amendment to the contract between the City of Cleveland and the National Football League to state conditions relating to payment of real estate taxes on any portion of the Leased Premises and to clarify the use of the Leased Premises.

Whereas, on March 8, 1996, this Council passed Ordinance No. 303-96, wherein Section 5 of said Ordinance authorized the Mayor and the Director of Parks, Recreation and Properties to enter into a Lease By Way of Concession between the City and the NFL (hereinafter the "Lease"), for the purpose that the Cleveland NFL franchise would play for 30 years all regular season home games in the new stadium; and

Whereas, it is Council's desire to clarify issues relating to certain potential tax liabilities, maintenance obligations and future development rights; 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 Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into an amendment to the contract between the City of Cleveland and the National Football League to clarify and confirm that notwithstanding any provisions of the Lease to the contrary, the Lessee or any subtenant shall

pay any and all real estate taxes assessed on the Leased Premises attributable to any development activity outside the footprint of the stadium structure itself, and shall pay any and all real estate taxes separately assessed on areas or operations within the stadium structure itself if said areas or operations are used at any time for a retail purpose independent of scheduled stadium events open to the public and result in the County Auditor assessing additional real estate taxes on account of said area or operation.

Section 2. That the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into an amendment to the contract between the City and the National Football League to clarify and confirm that, notwithstanding any provision of the Lease to the contrary, (a) the only permitted use by Lessee of the facility is the leasing of a sports facility for the play of professional football games and the presentation of other entertainment and public attractions; hosting NFL sanctioned football games in the facility; conducting practices or workouts by professional football teams whether or not for exhibition to the public; selling or granting to third parties the right to sell tickets or seats, and for the conducting and exhibiting by the Lessee to the public other events or activities held in connection with or involving the playing or exhibition of professional football games; Lessee's administrative office use; restaurants or food or beverage service facilities by Lessee or its designee in the facility; and presenting other sporting events, musical concerts and other similar events and activities as may be lawfully conducted in the facility; (b) any additional use of the Leased Premises must be authorized by a further amendment to the Lease in accordance with its terms and as authorized by ordinance of Council, and (c) as of April 1, 1997, but in no event later than the completion of construction, the parties shall record a new legal description for the parcel on which the new stadium is located.

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 the rules. Charter and statutory provisions in place on final passage.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 3. Those voting yea were Councilmen: Britt, Coats, Jackson, McQuirk, Melena, Miller, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Westbrook, White, Willis, Zone. Those voting nay were Councilmen: Lewis, Polensek, Smith. Absent: Councilmen Johnson and O'Malley.

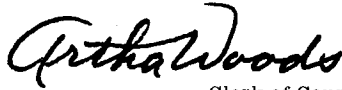
MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimsously carried, that the absence of

Councilman Kenneth Johnson and Councilman Patrick O'Malley be, and is hereby authorized.

MOTION

The Council adjourned at 4:25 p.m. to meet at the call of the Chair.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 12, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 12, 1996, at 11:00 a.m., with Director Sobol Jordan presiding.

Present: Directors Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Absent: Mayor White, Directors Nolan, Axelrod.

Others: William Moon, Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 386-96.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 529-93, passed by the Council of the City of Cleveland on April 26, 1993, Clean Harbors Environmental Services, Inc., is hereby selected from a list of firms determined, after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional services necessary to provide training sessions for employees regarding various OSHA and DOT regulations, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Clean Harbors Environmental Services, Inc. based upon its proposal dated November 2, 1995 which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal upon execution of a contract for an aggregate fee not in excess of \$10,500.00 and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors

Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 387-96.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Choice Construction Co., Inc. for the public improvement of Cardinal Mindszenty Plaza Renovations, including the base bid and a contingency allowance of \$60,000.00 for the Division of Water, Department of Public Utilities, received on May 15, 1996, pursuant to the authority of Ordinance Nos. 1254-92 and 2096-92, passed June 15, 1992 and December 14, 1992, respectively, upon a unit basis, for the improvement in the aggregate amount of Six Hundred Sixty-Three Thousand Seven Hundred Sixty-One Dollars and 50/cents (\$663,761.50), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it resolved by the Board of Control of the City of Cleveland that the following subcontractor to Choice Construction Co., Inc. for the above-mentioned public improvement hereby is approved:

NAME	WORK
Perk Company	Concrete and Demolition 23% (MBE)

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 388-96.

By Director Konicek.
Whereas, pursuant to Ordinance No. 1942-92, passed by the Cleveland City Council on December 14, 1992, and Board of Control Resolution No. 839-94, adopted November 9, 1994, the City of Cleveland entered into an agreement with Bemba K. Jones, P.S. & Associates (City Contract No. 46796) for the engineering services required for the public improvement of Doan Brook Detention Basin; and Whereas, Bemba K. Jones, P.S. & Associates has requested the consent of the City to assign the payments under the agreement to Adache Cuini-Lynn & Associates, Inc., now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the request of Bemba K. Jones, P.S. & Associates to assign the payments under the agreement (City Contract No. 46796) for the engineering services required for the public improvement of Doan Brook Detention Basin from Bemba K. Jones, P.S. & Associates to Adache Cuini-Lynn & Associates, Inc., is hereby approved.

Be it further resolved that the Director of Public Utilities is hereby authorized to complete and execute all documents necessary and appropriate to effect the assignment hereby authorized.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Kon-

icek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 389-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that Board of Control Resolution No. 191-96, adopted March 27, 1996, approving the bid of Wake Forest Garden Center for System Expansion, residential reforestation item nos. 8a, 18a, 29a and 48a, for the Division of Cleveland Public Power, Department of Public Utilities, is hereby amended by deleting the words "Wake Forest Garden Center" and substituting therefor the words, "Edward Hines, d/b/a Wake Forest Garden Center".

Be it further resolved that all other provisions of said Resolution No. 191-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 390-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hylant Maclean, Inc. for the following: boiler machinery insurance (all items, option A \$10,000,000.00 policy limit) for the Division of Cleveland Public Power, Department of Public Utilities, received on the 15th day of May, 1996, pursuant to the authority of Ordinance No. 602-95, passed May 22, 1995, which on the basis of order quantities would amount to Two Hundred Sixty-Eight Thousand Five Hundred Dollars, (\$268,500.00), (2% 30 days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 391-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 29, 1996 for Garrett A. Morgan Waterworks Chemical Handling Improvement Phase One for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1283-94, passed by the Council of the City of Cleveland on June 23, 1994, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 392-96.

By Director Cunningham.

Whereas, pursuant to Ordinance Nos. 450-81 and 131-A-82 passed by the Council of the City of Cleveland on November 30, 1981 and April 26, 1982, respectively, the City of Cleveland entered into a Lease By Way of Concession ("Lease") with The Airplane Company ("Lessee") for the operation of an airport fixed base facility and aircraft hangar at Burke Lakefront Airport, Contract No. 32625; and

Whereas, pursuant to Ordinances Nos. 2350-82 and 1608-83, passed by the Council of the City of Cleveland on October 18, 1982 and June 27, 1983, respectively, the City of Cleveland entered into an amendment to Contract No. 32625 approving an assignment of the lease financing purposes, and adding additional ramp space to the lease areas; and

Whereas, Lessee has requested the City of Cleveland's consent to the transfer of stock from the majority stock holder, David F. Maruna, to Business Aircraft Maintenance, Inc. and to the assignment of the lease to Business Aircraft Maintenance, Inc. in accordance with Section 9 of Contract No. 32625, and to recognize a change of the name of the facility to "Business Aircraft Center;" and

Whereas, the Airplane Company owes the City \$71,342.12 in outstanding rent and utility payments; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the transfer of stock from David F. Maruna to Business Aircraft Maintenance, Inc., the assignment of the Lease to Business Aircraft Maintenance, Inc. and the change of name of the facility from "Airplane Companies" to "Business Aircraft Center" is hereby approved; provided, however, that the granting of such consent is expressly conditioned upon payment to the City no later than the date of stock transfer, which shall not be later than June 30, 1996, of Thirty-Five Thousand Dollars (\$35,000.00) of past due rent and utility charges by certified check, with the balance of the outstanding amount due and owing to the City, or \$36,342.12 plus simple interest at a rate of 4% per annum, to be paid within one year after the date of stock transfer.

Be it further resolved that the Directors of Port Control and Law are hereby authorized to enter into any agreements necessary to authorize the above mentioned transfer of stock and the payment to the City of Cleveland.

Yeas: None.

Nays: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Absent: None.

Resolution No. 393-96.

By Director Cunningham.

Whereas, pursuant to Ordinance Nos. 450-81 and 131-A-82 passed by the Council of the City of Cleveland on November 30, 1981 and April 26, 1982, respectively, the City of Cleveland entered into a Lease By Way of Concession ("Lease") with The Airplane Company ("Lessee") for the operation of an airport fixed base facility and aircraft hangar at Burke Lakefront Airport, Contract No. 32625; and

Whereas, pursuant to Ordinances Nos. 2350-82 and 1608-83, passed by the Council of the City of Cleveland on October 18, 1982 and June 27, 1983, respectively, the City of Cleveland entered into an amendment to Contract No. 32625 approving an assignment of the lease for financing purposes, and adding additional ramp space to the lease areas; and

Whereas, Lessee has requested the City of Cleveland's consent to the transfer of stock from the majority stock holder, David F. Maruna, to Business Aircraft Maintenance, Inc. and to the assignment of the lease to Business Aircraft Maintenance, Inc. in accordance with Section 9 of Contract No. 32625, and to recognize a change of the name of the facility to "Business Aircraft Center;" and

Whereas, the Airplane Company owes the City \$71,342.12 in outstanding rent and utility payments; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the transfer of stock from David F. Maruna to Business Aircraft Maintenance, Inc., the assignment of the Lease to Business Aircraft Maintenance, Inc. and the change of name of the facility from "Airplane Companies" to "Business Aircraft Center" is hereby approved; provided, however, that the granting of such consent is expressly conditioned upon payment to the City no later than the date of stock transfer, which shall not be later than June 30, 1996, of Thirty-Five Six Hundred Seventy-One Dollars and Six Cents (\$35,671.06) of past due rent and utility charges by certified check, with the balance of the outstanding amount due and owing to the City, or \$35,671.06, plus simple interest at a rate of 4% per annum, to be paid within one year after the date of stock transfer.

Be it further resolved that the Directors of Port Control and Law are hereby authorized to enter into any agreements necessary to authorize the above mentioned transfer of stock and the payment to the City of Cleveland.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 394-96.

By Director Cunningham.

Whereas, Pilot Management, Inc. desires to operate a flight school business at Burke Lakefront Airport ("Airport"); and

Whereas, the City of Cleveland is willing to lease to Pilot Management, Inc. certain space at Airport for its flight school business; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a concession agreement with Pilot Management, Inc. for the use of approximately 486.31 square feet of office/operations space on the first floor of the terminal passenger building at the Airport and for use, and as needed by the Concessionaire, of a terminal building conference room for a period not to exceed thirty (30) days. Notwithstanding

the above, the Concessionaire shall not use the conference room without the prior approval of the Commissioner of Burke Lakefront Airport. The Concessionaire shall for the use of office and operations space a fee of \$344.47 for thirty (30) days and for the use of a conference room a fee of \$6.25 per hour or fraction thereof.

All utilities shall be paid by the concessionaire, except that, the City shall provide, without charge, ordinary amounts of heat and air conditioning to the concession premises.

Said concession agreement shall be prepared by the Director of Law and shall contain such provisions as she deems necessary to benefit and protect the public interest.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 395-96.

By Director Cunningham.

Resolved by the Board of Control of the City of Cleveland that all bids received on May 17, 1996 for repairing and rehabilitating roofs for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 351-96, passed by the Council of the City of Cleveland on April 1, 1996, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 396-96.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Incorporated for the following: one (1) customized recreational vehicle (All Items) for the Division of Motor Vehicle Maintenance, Department of Public Service, received on the 31st day of May, 1996, pursuant to the authority of Ordinance No. 1231-95, passed October 23, 1995, which on the basis of order quantity would amount to \$41,622.00 is hereby approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into contract for such items.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 397-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of John Lance Ford, Inc. for an estimated quantity of Ford passenger car parts and labor (All Items) price list #FPS 3642, Cat. #FPS 8470M, dated April 1, 1996-trade discount 25% (Labor Rate \$49.00 per hour) for the Division of Motor Vehicle Maintenance, Department of

Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 31st day of May, 1996, pursuant to the authority of Ordinance No. 480-96, passed April 26, 1996, which on the basis of the estimated quantity would amount to approximately One Hundred Fifty Thousand and no/100 Dollars, (\$150,000.00), (4% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 091745

which shall be certified against such contract in the sum of Twenty-Four Thousand and no/100 Dollars (\$24,000.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 398-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Action Door Company for an estimated quantity of Repair of Overhead Doors (All Items), for the Division of Fire, Department of Public Safety, for the period of two (2) years beginning with the date of execution of a contract received on the 2nd day of May, 1996, pursuant to the authority of Ordinance No. 37-96, which was passed by City Council on February 12, 1996, which on the basis of the estimated quantity would amount to Sixty Thousand and no/100 (\$60,000.00), Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 093712

Overhead Door Repair - All Items which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 399-96.

By Director Spellman.

Whereas, pursuant to Ordinance No. 625-96, passed by the Council of the City of Cleveland on May 20, 1996, the Director of Parks, Recreation & Properties is authorized to enter into contract with Clean-Land, Ohio, to conduct a vacant lot maintenance program for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties for a period not to exceed one year, with the compensation to be fixed by the Board of Control with prior written notice of the amount to the chairman of Council's Committee on Public Parks, Property and Recreation; and,

Whereas, by the letter dated June 11, 1996, the chairman of the Council's Committee on Public Parks, Property and Recreation was notified of the amount of compensation to be paid Clean-Land, Ohio for the professional services for vacant lot maintenance; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland pursuant to Ordinance No. 625-96, passed by the Cleveland City Council on May 20, 1996, the compensation for services to be performed under the contract authorized by said ordinance for vacant lot maintenance shall be 1.79 cents per square foot.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.

Absent: None.

Resolution No. 400-96.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance Nos. 2736-90 and 1324-94, passed by the Council of the City of Cleveland on December 17, 1990 and July 20, 1994, the firm of The Osborn Engineering Company is hereby selected upon the nomination of the Director of Parks, Recreation and Properties as the firm of engineers ("Engineer") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary for the renovation/replacement of six passenger elevators in City of Cleveland Hall.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract with Engineer, based upon its proposal dated February 9, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized hereby shall be as stated in the Engineer's proposal and shall not exceed One Hundred Ninety-Four Thousand and No/100 Dollars (\$194,000.00). Reimbursable expenses shall not exceed Twelve Thousand and No/100 Dollars (\$12,000.00) the total aggregate payments to the Engineer shall not exceed Two Hundred Six Thousand and No/100 Dollars (\$206,000.00).

Be it further resolved that Robert P. Madison International (MBE - 30%) and VanAukin Akins (FBE -

8%) are hereby approved as sub-consultants to the Osborn Engineering Company.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 401-96.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that Resolution No. 273-96, adopted by the Board of Control on April 24, 1996, approving the bid of Baker Equipment as lowest and best for leasing of 4 mowers for the Division of Park Maintenance & Properties, Department of Parks, Recreation & Properties, is hereby rescinded.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 402-96.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 4, 1996 for the leasing of 6 crew cab pick-ups, 4 heavy duty tractor mounted Flails, 1 dump truck, 4 mowers for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 202-96, passed by the Council of the City of Cleveland on February 26, 1996, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 403-96.

By Director Spellman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Whitmer Company for an estimated quantity of Various Pool Chemicals (Items 1 and 2) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on the 8th day of May, 1996, pursuant to the authority of Ordinance No. 29-96, passed February 12, 1996, which on the basis of the estimated quantity would amount to Thirty-Six Thousand, One Hundred Fifty and 00/100ths Dollars, (\$36,150.00), (1% 20 Days), 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 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. 82573 and 82574 which shall be certified against such contract in the sum of Eighteen Thousand, Four Hundred and

00/100ths Dollars, (\$18,400.00), and Four Thousand, Two Hundred Seventy-Five and 00/100ths Dollars, (\$4,275.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 404-96.

By Director Spellman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Baker Vehicle Systems, Inc. for an estimated quantity of Four (4) High Velocity Blowers (All Items) for the Division of Park Maintenance and Properties, 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 16th day of May, 1996, pursuant to the authority of Ordinance No. 427-95, passed March 20, 1995, which on the basis of the estimated quantity would amount to Eleven Thousand, Five Hundred Twenty and 00/100ths Dollars, (\$11,520.00), (2% 30 Days), 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 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. 089112

which shall be certified against such contract in the sum of Eleven Thousand, Five Hundred Twenty and 00/100ths Dollars, (\$11,520.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 405-96.

By Director Hamilton.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 3, 1995 for Graphic Design and Printing Services for Optically Scannable Inspection Report Forms for the Division of Building and Housing, Department of Community Development, pursuant to the authority of Ordinance No. 1272-92, passed by the Council of the City of Cleveland on June 15, 1992, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan,

Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 406-96.

By Director Hyer.

Whereas, by Board of Control Resolution No. 154-96, adopted March 20, 1996, the City, through the Director of Finance was authorized to enter into a requirement contract with Sage Computer Services, for key-punch services for the Department of Finance, Division of Taxation; and

Whereas, Resolution No. 154-96 was erroneously listed as Ordinance No. 1476-94; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 154-96, adopted March 20, 1996, is amending the Ordinance number 1476-94 to the correct Ordinance No. 1890-95,

Be it further resolved that all other provisions of said Resolution No. 154-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent:None.

Resolution No. 407-96.

By Director Cunningham.

Whereas, pursuant to Ordinance No. 1251-90, passed by the Cleveland City Council on June 18, 1990, and Board of Control Resolution Nos. 823-94 and 239-95, adopted November 2, 1994, and March 29, 1995, respectively, the City entered into an agreement with URS Consultants, Inc. - Ohio for the design of the new parking structure for the Department of Port Control, Contract No. 48283; and

Whereas, it is necessary to make an addition to the scope of work previously approved to incorporate the design of the rehabilitation of the upper roadway; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter a the first amendment to the agreement between the City of Cleveland and URS Consultants, Inc. - Ohio ("Consultants"), Contract No. 48283, for an addition to the scope of work, based on the Consultant's correspondence dated March 26, 1996, as supplemented by correspondence dated April 10, 1996, and June 10, 1996. The amount to be paid for all services shall be increased from an amount not to exceed three million fifty-three thousand three hundred eleven and no/100 dollars (\$3,053,311.00) to an amount not to exceed three million two hundred ninety-eight thousand five hundred sixty-one and no/100 dollars (\$3,298,561.00).

Be it further resolved that the Director of Port Control is hereby authorized to complete and execute any documents necessary and appropriate to effect the amendment hereby authorized.

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan,

Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 408-96.

By Director Spellman.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 304-96 passed by the Council of the City of Cleveland on March 8, 1996, the firm of Hellmuth, Obata and Kassabaum Inc., is hereby selected upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the firm of Architects ("Architect") to be employed by contract for the purpose of providing the professional services necessary for the demolition of the existing Cleveland Municipal Stadium and construction of the New Cleveland Browns Football Stadium.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract with the Hellmuth, Obata and Kassabaum Inc., based upon its proposal dated June 6, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Thirteen Million Four Hundred Eighty-Eight Thousand and No/100 Dollars (\$13,488,000.00). Reimbursable expenses shall not exceed One Million Twelve Thousand and No/100 Dollars (\$1,012,000.00). The total compensation to the Architect shall not exceed Fourteen Million Five Hundred Thousand and No/100 Dollars (\$14,500,000.00).

Be it further resolved that the employment of the following sub-consultants by the Hellmuth, Obata and Kassabaum Inc. is hereby approved:

Robert P. Madison	
International	(MBE)
Ralph C. Tyler	
Companies	(MBE)
The Outside In	(MBE)
Triad Design	(FBE)
Kapp Associates	(FBE)

Total MBE Participation	35%
Total FBE Participation	5%

Yeas: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

Resolution No. 409-96.

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

Whereas, City has acquired Permanent Parcel Nos. 119-29-013, 119-29-014, 119-29-015, 119-29-023, 119-29-027, 119-29-028, 119-29-029, 119-29-070, 119-29-072, 119-29-080, 119-29-105, 119-29-

111, 119-29-120, 119-29-122, 119-29-124, 119-30-099, 119-31-032, 119-31-033, 119-31-045, 119-31-048, 119-31-057, 119-31-069, 119-31-080, 119-31-089, 119-31-099, 119-31-102, 119-31-106, 119-31-107, 119-32-116, 119-32-151, 119-32-172, 119-33-091, 126-07-005, 126-05-109 under said Land Reutilization Program; and

Whereas, Ordinance No. 525-96 passed June 10, 1996 authorized the Commissioner of Purchase and Supplies to sell 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 or designee 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. 525-96 passed June 10, 1996 by the Cleveland City Council, the Mayor is hereby requested to execute an official deed for and on behalf of the City is hereby directed to execute an official deed for and on behalf of the City of Cleveland to transfer and sell Permanent Parcel Nos. 119-29-013, 119-29-014, 119-29-015, 119-29-023, 119-29-027, 119-29-028, 119-29-029, 119-29-070, 119-29-072, 119-29-080, 119-29-105, 119-29-111, 119-29-120, 119-29-122, 119-29-124, 119-30-099, 119-31-032, 119-31-033, 119-31-045, 119-31-048, 119-31-057, 119-31-069, 119-31-080, 119-31-089, 119-31-099, 119-31-102, 119-31-106, 119-31-107, 119-32-116, 119-32-151, 119-32-172, 119-33-091, 126-07-005, 126-05-109, as further described in said Ordinance to Fairfax Renaissance Development Corporation or designee, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00 each, 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: Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Director Guzman, Acting Directors Henderson, Smith, Directors Spellman, Hamilton, Acting Director Balraj.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers.

Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 1, 1996

9:30 A.M.

Calendar No. 96-89: 1711 Fulton Rd., N.W.

James R. Newell, owner, to erect a 24' x 56' two story frame one family dwelling house and a 24' x 40' one story private garage, attached to the dwelling by a 5' x 20' enclosed "hall" on the 27' x 150' (average) irregular shaped lot located in a B-Two-Family District at 1711 Fulton Rd.; the north side-yard of the proposed dwelling to be 2' and the south 1' for a total of 3' instead of the 10' aggregate and 3' minimum as required by Section 357.09 and the proposed dwelling to be located 3.58' from the adjacent dwelling to the north at 1707 Fulton Rd. instead of the 10' minimum distance required by Section 357.09 and the floor area of the dwelling to be .91 times the lot area contrary to the .5 maximum of Section 355.04 of the Codified Ordinances.

Calendar No. 96-90: 6000 Brookpark Rd., S.W.

Forest City Auto Parts Co., owner, c/o Jeff Ashby, to install a 65' x 5' and a 10' x 6' wall sign on the 110' x 95' masonry building on a 150' x 166' (average) irregular shaped lot located in a General Retail District at 6000 Brookpark Rd.; said proposed signs (385 square feet) together with existing signs, to be contrary to the 190 square feet maximum of Sections 350.14 and 350.20 of the Codified Ordinances.

Calendar No. 96-94: 4492 State Rd., S.W.

Evelyn E. Kinsey Inc., owner, c/o Evelyn E. Kinsey, to erect a 30' x 30' one story masonry tavern building on an 83' x 64' irregular shaped corner lot located in a Local Retail District on the southwest corner of State Rd. and Behrwald Ave. at 4492 State Rd.; there being 8 off-street parking spaces instead of the 12 spaces required by Section 349.04 and a portion of said parking spaces to be located within the front setback areas along State Rd. and along Behrwald Ave. contrary to the location requirements of Section 349.05 and said premises not to conform to the landscaping requirements of Sections 352.10 and 352.11 of the Codified Ordinances.

Calendar No. 96-95: 4384 Pearl Rd., S.W.

Thomas E. Walsh, owner, to use as an off-street parking lot accessory to 4376 Pearl Rd. the 53' x 142' irregular shaped corner lot located in a Local Retail District on the southwest corner of Pearl Rd. and Woburn Ave. at 4384 Pearl Rd.; said

parking to be located 4' from the street line of Pearl Rd. instead of 17' back therefrom contrary to the location requirements of Section 349.05 and the premises not to conform to the landscaping provisions of Sections 352.10 and 352.11 of the Codified Ordinances.

Calendar No. 96-96: 15811 Westview Ave., S.E.

George Baily, owner, to erect a wheelchair ramp and enclose the 13' x 5' front patio of the 30' x 30' one and one half story frame dwelling house on a 40' x 140' lot located in a One Family District at 15811 Westview Ave.; said proposed enclosure to exceed the setback provisions of Section 357.13 of the Codified Ordinances.

Calendar No. 96-98: 11308 Edgewater Dr., N.W.

Jeane Hagan, owner, to erect an 8' x 25' one story addition, for sunroom, to the east side of the 50' x 26' two story brick one family dwelling on an 82' x 180' irregular shaped lot located in a Limited One Family District at 11308 Edgewater Dr.; said addition to be 2' from the east property line and said addition to reduce the aggregate sideyards to 17' instead of the 5' and 20' minimums of Section 357.09 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 17, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, June 10, 1996, the following appeals were heard by the Board, and decided on Monday, June 17, 1996.

The following appeals were **Granted:**

Calendar No. 96-61: 3015-35 E. 61 Street

Richard Chambers, owner, and James Ownbey, tenant, to use for retail sales of new and used furniture.

Calendar No. 96-63: 3153-61 W. 40 St.

The Ohio Pipe Valve & Equipment Co., owner, c/o Michael Resch, to erect a 100' x 100' manufacturing building.

Calendar No. 96-75: 10721 Amor Ave., N.E.

Belinda Hughes, owner, to erect a 17' 6" x 18' 6" frame private garage attached to the northwest corner of the existing 22' x 38' frame two story one family dwelling house.

The following appeals were **Refused:**

Calendar No. 96-74: 2188 E. 85th St.

Annie B. Cowan, owner, to convert to a rooming house/boarding house the 24' x 35' two and one-half story frame one family dwelling house.

Calendar No. 96-78: 11875 Putnam Ave.

Marvin Butler dba Butler's Towing, owner, to use the 70' x 40' masonry one story shop building.

The following appeals were **Postponed** to July 8, 1996.

Calendar No. 96-80: 3741-43 W. 36th St.

Calendar No. 96-83: 4208 Newark Ave., S.W

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
June 12, 1996

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

* * *

Docket A-173-95.

RE: Continuance of Appeal of Isabella Basile, Owner of the Property located on the premises known as 1078 Old River Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 1, 1995, 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 DENY the variance request and not classify the tent as a permanent structure, and to require the tent to be moved in accordance to the Resolution of the Board dated November 1, 1995. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket L-2-96.

RE: Appeal of Joseph B. Golubitsky, from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 11, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Golubitsky to renew his ELECTRICAL CONTRACTOR LICENSE without retaking the test, but with payment of the late filing fee for this year. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket L-4-96.

RE: Appeal of Daniel J. McMullen, from a LETTER OF DENIAL FOR JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated May 3, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland,

and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. McMullen to renew his JOURNEYMAN PLUMBER LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-56-96.

RE: Appeal of Othello Lee, Owner of the Residential Property located on the premises known as 11112 Avon Avenue from a LIMITATION OF THE PERMIT of the Commissioner of the Division of Building and Housing dated April 15, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two weeks (2 wks.) in which to obtain all permits and two months (2 mos.) in which to make substantial satisfactory progress to the Board and the inspector; the Board is requesting a written progress report from the inspector in two months (2 mos.) and to REMAND the property at 11112 Avon Avenue at this time to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-59-96.

RE: Appeal of Joe & Mamie Logalbo, Owner of the Residential Property located on the premises known as 9620 Lamontier Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated March 19, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to board, secure and clean the property immediately and to maintain it in that condition; and to grant the Appellant two months (2 mos.) in which to obtain financing and obtain permits to abate the violations; the Board is requesting a progress report from the inspector in two weeks (2 wks.). Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 26, 1996. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-63-96.

RE: Appeal of Walter R. Sodini, Owner of the property located on the premises known as 9513 Detroit Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated March 28, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-63-96 has been withdrawn at the request of the Appellant.

* * *

Docket A-67-96.

RE: Appeal of City of Cleveland, Owner of the Property located on the premises known as 701 Lakeside Avenue from a TEMPORARY CERTIFICATE OF OCCUPANCY of the Commissioner of the Division of Building and Housing dated May 4, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-67-96 has been postponed; to be rescheduled for June 26, 1996.

* * *

Docket A-73-96.

RE: Appeal of Kevin T. O'Neill, Owner of the Residential Property located on the premises known as 13716 Othello Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated April 15, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two months (2 mos.) in which to obtain permits and make substantial progress on the rehabilitation of the property; to require that the Appellant provide the doors for securing the outside, and to clean, board and paint the exterior of the property and to make the grounds safe. The Board will reschedule this Docket in two months (2 mos.) and get a progress report from the inspector or proceed with the CONDEMNATION ORDER. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-83-96.

RE: Appeal of Mary A. Pell, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 4113 Cypress Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated May 30, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the pool to be

installed approximately five feet (5 ft.) from the west property line and two feet (2 ft.) from the north property line, noting the concurrence of the property owners. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-87-96.

RE: Appeal of Tony Mackie, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 15508 Kipling Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated June 3, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the pool to be installed approximately five feet (5 ft.) from the east and west property lines and two feet (2 ft.) from the north property line, noting the concurrence of the east and west property owners, but to require the concurrence of the property owner to the north in order to enact on the resolution. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-88-96.

RE: Appeal of North East Chemical Corporation, Owner of the Property located on the premises known as 3301 Monroe Avenue from a SEALING ORDER of the Commissioner of the Division of the Environment/Air Pollution Control dated May 23, 1996, requiring compliance with the Title V of Part Two of the Codified Ordinances of the City of Cleveland.

BE IT RESOLVED, a motion is in order at this time to find that the Sealing Order was properly issued by the Division of Air Pollution Control in accordance to Title V of Part Two of the Codified Ordinances of the City of Cleveland. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

EXTENSION OF TIME:

Docket A-157-95.

Equitable Life Assurance Co. - 10400 Parkview Avenue: A motion is in order at this time to grant the Appellant a two month (2 mo.) "Extension of Time" in which to obtain permits and abate the violations, with the provision that the property is immediately boarded and secured and that the responsible parties are notified in case of any deterioration of the property, and to REMAND the property at 10400 Parkview Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams,

Saunders, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

REVIEW:

Inspection Services in the City of Cleveland:

Geo-Sci, Inc.
Oakport, Suite A2
882 West Bagley Road
Berea, Ohio

Review of Geo-Sci, Inc. will be rescheduled for June 26, 1996.

* * *

APPROVAL OF RESOLUTIONS:

Resolutions from May 29, 1996 hearing to be Adopted on June 26, 1996.

* * *

APPROVAL OF MINUTES:

Minutes from May 29, 1996 hearing to be Adopted on June 26, 1996.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certifi-

cation 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, JUNE 26, 1996

Jail Cells/Safety Screens Installation at City's District Police Stations, for the Department of Public Safety, as authorized by Ordinance No. 1333-88, passed by the Council of the City of Cleveland, February 24, 1992.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

June 12 and June 19, 1996

WEDNESDAY, JULY 3, 1996

Labor and Materials to Repair Tree Lawns, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 36-95, passed by the Council of the City of Cleveland, May 6, 1996.

Labor and Materials to Fabricate Ring and Pinion Gears, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 314-96, passed by the Council of the City of Cleveland, May 6, 1996.

Maintenance, Repair and/or Replacement of HVAC Systems at Various Locations, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 424-96, passed by the Council of the City of Cleveland, May 6, 1996.

June 12 and June 19, 1996

FRIDAY, JULY 5, 1996

Commercial Gases, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 644-96, passed by the Council of the City of Cleveland, May 13, 1996.

Jacobson Mower Parts, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 643-96, passed by the Council of the City of Cleveland, May 13, 1996.

Fuel Pump Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 529-96, passed by the Council of the City of Cleveland, May 20, 1996.

One (1) Tandem Dump Truck, for the Division of Water Pollution, Department of Public Utilities, as authorized by Ordinance No. 679-95, passed by the Council of the City of Cleveland, June 19, 1995.

One (1) Fork Lift Truck, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland.

June 12 and June 19, 1996

WEDNESDAY, JULY 10, 1996

Landscape Maintenance at Various Water Works Facilities IV, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 315-96, passed by the Council of the City of Cleveland, May 13, 1996.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 2, 1996 AT 10:00 A.M. IN THE FIRST FLOOR CONFERENCE ROOM, AUDITORIUM A OF THE UTILITIES BUILDING, 1201 LAKESIDE AVENUE.

June 19 and July 26, 1996

THURSDAY, JULY 11, 1996

Police Headquarters Justice Center Elevator Renovations, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1578-90, passed by the Council of the City of Cleveland, February 24, 1992.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON TUESDAY, JULY 2, 1996, AT 9:30 A.M. AT THE JUSTICE CENTER POLICE HEADQUARTERS MAIN LOBBY.

East 147th Street Sewer Replacement, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1240-91, passed by the Council of the City of Cleveland, August 21, 1991.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 27, 1996, AT 10:00 A.M. AT WATER POLLUTION CONTROL, 13202 KIRBY AVENUE, CLEVELAND, OHIO 44108.

Gutterbrooms and Gutterbroom Refills, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 236-96,

passed by the Council of the City of Cleveland, April 1, 1996.

Guard Rail Elements, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 235-96, passed by the Council of the City of Cleveland, April 1, 1996.

June 19 and June 26, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 430-96.
By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all those portions of East 69th Street and East 70th Street.

Whereas, this Council is satisfied that there is good cause for vacate all those portions of East 69th and East 70th Streets, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as;

Being all that portion of EAST 69TH STREET (50.00 feet wide), extending Northerly from the Easterly prolongation of the Southerly line of Sublot Number in the W.V. Crow Subdivision as recorded in Volume 4 of Maps, Page 17 of Cuyahoga County Records, to its Northerly terminus. AND

Being all that portion of EAST 70TH STREET (40.00 feet wide), as shown by the recorded plat in Volume 4 of Maps, Page 17 of Cuyahoga County Records, extending from the Northerly line of Quincy Avenue S.E. (80.00 feet wide), Northerly to the Southwesterly line of that portion of said East 70th Street, vacated by Ordinance Number 101220, passed by the Council of the City of Cleveland on March 19, 1934.

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 492-96.
By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of East 102nd Street.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 102nd Street, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: **EAST 102ND STREET** (44.00 feet wide), extending Southerly from the Southerly line of Euclid Avenue (80.00 feet wide), to the Northerly line of Carnegie Avenue (width varies).

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 558-96.
By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Indianola Avenue S.E.

Whereas, this Council is satisfied that there is good cause for vacating all that portion of Indianola Avenue S.E., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate the following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of **INDIANOLA AVENUE S.E.** (32.00 feet wide), extending Northerly from the Northerly line of Crayton Avenue S.E. (60.00 feet wide), to that portion of Indianola Avenue, vacated by Ordinance Number 387-70, passed by the Council of the City of Cleveland on March 23, 1970.

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 562-96.
By Councilman Smith (by request).

An emergency resolution declaring the intention to vacate a portion of Girard Street N.W.

Whereas, this Council is satisfied that there is good cause for vacating a portion of Girard Street N.W., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as;

Being all that portion of **GIRARD**

STREET N.W. (60.00 feet wide), from the Westerly line of Scranton Road N.W. (60.00 feet wide), Westerly, to the Easterly right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis R.R. as shown by the Recorded Plat in Volume 3 of Maps, Page 42 of Cuyahoga County Records.

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 652-96.
By Councilman Rokakis.

An emergency resolution memorializing the Director of Public Service to change the name of Brookside Park Drive to "Wildlife Way."

Whereas, renaming Brookside Drive to Wildlife Way would help to distinguish between the Zoo and Brookside Park softball field and would make finding both locations easier to both local citizens and out-of-town visitors; and

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

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

Section 1. That this Council hereby memorializes the Director of Public Service to change the name of Brookside Park Drive to "Wildlife Way."

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 653-96.
By Councilman Smith (by request).

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

Whereas, this Council is satisfied that there is good cause for vacating a portion of McLean Court N.W., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of: **McLEAN COURT N.W.** (12.00 + feet wide), extending Westerly from the Westerly line of West 26th Street (50.00 feet wide) about 109.00 feet.

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 654-96.
By Councilman Smith (by request).

An emergency resolution declaring the intention to vacate a portion of West 26th Place.

Whereas, this Council is satisfied that there is good cause for vacate all that portion of West 26th Place, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as;

Being all that portion of **WEST 26TH PLACE** (16.00 feet wide), extending Northerly from the Northerly line of Carroll Avenue N.W. (50.00 feet wide), to the Southerly line of Bridge Avenue N.W. (66.00 feet wide).

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

Adopted June 10, 1996.
Effective June 19, 1996.

Res. No. 721-96.
By Councilmen Smith, Jackson, Rybka and Rokakis (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for redevelopment and/or rehabilitation of the blighted premises located at 2600 Carroll Avenue, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances, Cleveland, Ohio, relating to the elimination of spot blight;

Whereas, pursuant to the authority of Chapter 313 of the Codified Ordinances, the Council of the City of Cleveland approved and adopted Ordinance No. 1037-93, passed June 14, 1993, wherein Council found and determined that the West 25th Lorain Community Development Plan Area including 2600 Carroll Avenue, is a blighted and deteriorated area within the meaning of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the Council of the City of Cleveland by Ordinance No. 2120-95, passed December 18, 1995, found that the acquisition and redevelopment of 2600 Carroll Avenue, Permanent Parcel No. 003-38-058, to constitute a public use of said property and authorized the acquisition of said property; and

Whereas, this resolution consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 2600 Carroll Avenue through acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council does hereby declare its intent to appropriate such fee simple interest in and to the following described blighted premises:

2600 Carroll Avenue

Permanent Parcel No. 003-38-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 456 and 457 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning in the Northwesterly side of Carroll Avenue, N.W. (50 feet wide) at a point distant Northeasterly, measured along said Northwesterly side, 1.14 feet from the most Southerly corner of Sublot No. 457;

Thence Northeasterly along the Northwesterly side of Carroll Avenue, N.W., 95.06 feet to the most Easterly corner of a parcel of land conveyed to Elsie Young and Robert S. Young by deed dated November 23, 1949, and recorded in Volume 6860, Page 235 of Cuyahoga County Records;

Thence Northwesterly along the Northeasterly line of said parcel so conveyed to Elsie Young and Robert S. Young, 107.50 feet to the Southeast side of Carroll Court N.W.;

Thence Southwesterly along said Southeast side, 95.05 feet to a point distant Northeasterly measured along said Southeast side, 1.15 feet from the most Westerly corner of Sublot No. 457;

Thence Southeasterly 107.50 feet to the 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 be and she is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-described blighted premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 834-96.

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

An emergency resolution declaring the necessity and intention to appropriate property located at 2316 East 88th Street for public use for the municipal purpose of widening Shelbourne Court between East 87th and East 88th Streets.

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 municipal purpose of widening Shelbourne Court between East 87th and East 89th Streets, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

2316 East 88th Street
PPN: 119-32-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 25.22 feet front and 24.39 feet rear of Sublot No. 46 in W.H. Clemishaw's Subdivision, of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 18 of Cuyahoga County Records, and being 25.22 feet front on the Westerly side of East 88th Street, and extending back 89.99 feet on the Northerly line, about 90.00 feet on the Southerly line, and having a rear line of 24.39 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 1120-96.

By Councilman Coats.

An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 107288106605, Buckeye P.H. Inc., dba Pizza Hut Unit #413126, 18324 Euclid Avenue, Cleveland, Ohio 44112, to Permit No. 5927201-0115, Midland Food Services LLC, dba Pizza Hut, 18324 Euclid Avenue, Cleveland, Ohio 44112; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 107288106605, Buckeye P.H. Inc., dba Pizza Hut Unit #413126, 18324 Euclid Avenue, Cleveland, Ohio 44112, to Permit No. 5927201-0115, Midland Food Services LLC, dba Pizza Hut, 18324 Euclid Avenue, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 1122-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency resolution requiring the laying, relaying and repairing of sidewalks and curbing on certain streets.

Whereas, this resolution constitutes an emergency measure pro-

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

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

Section 1. That the sidewalks and curbing on the following streets, at locations hereinafter named and between the points described, including both the frontages and depths of corner lots where said streets intersect, be laid, relaid and repaired, with either stone-flagging or concrete, to the full width of the present sidewalks or curbing on the following streets and in accordance with the established grade on each street respectively:

London Road (Euclid Avenue to Railroad Tracks)

West 115th Street (Fruitland Court to Clifton Boulevard)

West 110th Street (the following addresses: 3119, 3120, 3122, 3123, 3127, 3133, 3137, 3140, 3144, 3148)

Section 2. That the Director of Finance shall cause a written notice of the adoption of the resolution to be served upon the owner or agent of the owner of each parcel of land abutting upon the sidewalk or curbing to be laid, relaid or repaired, in the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, shall be returned to the office of the Director of Finance and there be filed and preserved. The said notice shall also provide that if the sidewalks or curbing are not laid, relaid or repaired by the abutting owner, in accordance with the notice, within thirty (30) days from service of the notice, of the completion of the publication thereof, the City will proceed through the appropriate department, to lay, relay or repair such sidewalks or curbing at the cost and expense of the owner of the property in front of which the same is laid, relaid or repaired, and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided by Section 165 of the Charter of the City of Cleveland.

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 1123-96.

By Councilman Miller.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16120 Brookpark Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 6703214, Parkbrook, Inc., 16120 Brookpark Road, Cleveland, Ohio 44135, to Permit No. 8385521, Sounion Inc., 16120 Brook-

park Road, Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 6703214, Parkbrook, Inc., 16120 Brookpark Road, Cleveland, Ohio 44135, to Permit No. 8385521, Sounion Inc., 16120 Brookpark Road, Cleveland, Ohio 44135, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 1124-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5504 Harvard Avenue.

Whereas, Council has been notified by the Director of Liquor Con-

trol of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 2759323, 5504 Harvard Inc., dba Darby Bar, 5504 Harvard Avenue, Cleveland, Ohio 44105, to Permit No. 4637367, Kamio Kim, dba Mugshot Tavern, 5504 Harvard Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 2759323, 5504 Harvard Inc., dba Darby Bar, 5504 Harvard Avenue, Cleveland, Ohio 44105, to Permit No. 4637367, Kamio Kim, dba Mugshot Tavern, 5504 Harvard Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 10, 1996.

Effective June 19, 1996.

Res. No. 1125-96.**By Councilman Westbrook.****An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.**

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

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

Section 1. That the schedule of meetings during the summer months for the Council of the City of Cleveland is hereby fixed as follows:

Wednesday, July 17, 1996
Wednesday, August 14, 1996

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meetings dates. The Council will resume regular session at 7:00 p.m. on Monday, September 9, 1996.

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 June 10, 1996.
Effective June 19, 1996.

Res. No. 1130-96.**By Councilmen Polensek, McGuirk, O'Malley, Smith, Lewis, Rybka, Paulenske, Miller, Zone, Westbrook.****An emergency resolution supporting the right of all workers, in both the public and private economic sectors, to union representation, along with the State of Ohio's collective bargaining law for public employees.**

Whereas, as we enter the City of Cleveland's Bicentennial celebrations this summer, we must remember the tremendous impact and influence that labor unions have had on our City's heritage during the last century, including their role in Cleveland becoming An All America City; and

Whereas, understanding the importance of collective bargaining, in 1983, the Ohio State Legislature adopted this state's first collective bargaining law for public employees; and

Whereas, it is the desire of this Council to express its never-ending gratitude and support of all labor unions and their members; and

Whereas, this Council fully supports the right of workers to organize and lends its support to the rights of public employees under Chapter 4117 of the Ohio Revised Code;

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That this Council salutes all members of labor unions and expresses their gratitude in the role of labor unions in making Cleveland An All America City.

Section 2. That this Council strongly supports the rights of Ohio's public employees under Ohio's collective bargaining law contained in Chapter 4117 of the

Ohio Revised Code, which attempts to level the playing fields of employers and employees.

Section 3. That the Clerk of Council transmit copies of this resolution to Governor Voinovich, State Senator Aronoff, State Representative Davidson, State Representative Sweeney, and members of the Cleveland Bicentennial 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 1604-95.**By Mayor White and Councilmen Johnson and Paulenske.****An emergency ordinance to change the name of Pier Park to the George V. Voinovich Bicentennial Park and the name of the East 9th Street Pier to the Richard F. Celeste Pier.**

Whereas, it is most fitting and appropriate to recognize George V. Voinovich and Richard F. Celeste for their years of dedicated service to the citizens of Cleveland; and

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

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

Section 1. That the name of Pier Park is hereby changed to the George V. Voinovich Bicentennial Park.

Section 2. That the name of the East 9th Street Pier is hereby changed to the Richard F. Celeste Pier.

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of appropriate signs, nameplates and plaques and the altering of references to the park and pier to reflect the change of name.

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 1831-95.**By Councilman Polensek.****An emergency ordinance to amend Sections 605.14, 605.141 and 605.142 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to curfew.**

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 605.14, as amended by

Ordinance No 1020-76, passed June 14, 1976, and

Sections 605.141 and 605.142, as amended by Ordinance No. 615-95, passed June 19, 1995, are hereby amended to read, respectively, as follows:

Section 605.14 Minor's Curfew

(a) No child twelve years of age or under shall be upon the streets or sidewalks or in a park or any other public place during the period from darkness to dawn, nor shall any child between the ages of thirteen and sixteen, inclusive, be upon the streets or sidewalks or in a park or any other public place between the hours of 11:00 p.m. and 5:00 a.m., nor shall any child seventeen years of age be upon the streets or sidewalks in a park or any other public place between the hours of midnight and 5:00 a.m., unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child seventeen years of age or under shall prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child, a minor misdemeanor for a first offense. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the fourth degree.

Section 605.141 Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed

(a) No child between the ages of six and seventeen, inclusive, other than a child that has been suspended or expelled from school, shall be at any place within the City except in attendance at school between the hours of 10:00 a.m. and 2:30 p.m. during any school day, unless the child has written proof from school authorities excusing him or her from attending school at that particular time, or unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to divisions (a) and (b) of this section that the child, at the

time he or she was found at a place other than in school, was not required by law to be in attendance at school.

(d) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child of compulsory school age, a minor misdemeanor for a first offense. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the fourth degree.

Section 605.142 Children Suspended or Expelled from School to Remain Under Supervision; Parental Duties Imposed

(a) If a child is suspended or expelled from school, then each parent or legal guardian of the child shall have the following duties for the duration of the suspension or expulsion:

(1) The duty to personally supervise the child, or to arrange for a responsible adult to supervise the child, at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled; and

(2) The duty to prohibit the child from being at any public place at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled, except in the following circumstances:

A. When the child is accompanied by the parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child; or

B. When the child is employed pursuant to an age and schooling certificate issued by the school authorities, during the times that the child is actually on the job or traveling directly to or from the job site; or

C. When the child is on an emergency errand; or

D. When the child has been directed by the parent or legal guardian to engage in a specific activity or to carry out express instructions, during the times that the child is actually engaged in fulfilling those directions or instruc-

tions.

No person shall negligently fail to fulfill the duties imposed by this division.

(b) No child that has been suspended or expelled from school shall fail to comply with supervision provided or arranged by a parent or legal guardian pursuant to division (a)(1) of this section.

(c) No child that has been suspended or expelled from school shall be in any public place at the times that he or she would have been required to be in attendance at school had he or she not been suspended or expelled, except in the circumstances described in divisions (a)(2)A, (a)(2)B, (a)(2)C or (a)(2)D.

(d) As used in this section, "public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child that violates divisions (b) or (c) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person that negligently fails to fulfill the duty imposed by division (a) of this section is guilty of negligently failing to supervise a suspended or expelled child, a minor misdemeanor for a first offense. In addition to any other means of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in accordance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the fourth degree.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 605.14, as amended by Ordinance No. 1020-76, passed June 14, 1976, and

Sections 605.141 and 605.142, as amended by Ordinance No. 615-95, passed June 19, 1995, are hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 87-96.
By Councilmen Willis, Johnson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into

and execute an amendment to the lease agreement with the Garden Center of Greater Cleveland to include additional property at Wade Park Oval for use consistent with the original lease, to extend the term an additional forty-nine years, and to acknowledge that the Garden Center of Greater Cleveland has officially changed its name to the Cleveland Botanical Garden; and to repeal Ordinance No. 1423-70, passed October 12, 1970.

Whereas, on December 9, 1964, the City of Cleveland ("Lessor") entered into a lease agreement ("Original Lease") with the Garden Center of Cleveland (the "Garden Center") for certain property at Wade Park Oval in the City of Cleveland, pursuant to Ordinance No. 1578-63, passed October 7, 1963, and Resolution No. 2420-64, adopted November 30, 1964; and

Whereas, on July 15, 1968, Cleveland City Council passed Ordinance No. 1305-68, authorizing an amendment to the Original Lease for additional property for use as a public park, and on December 16, 1968, Cleveland City Council passed Ordinance No. 1976-68, authorizing a second amendment to the Original Lease for additional property for use as a public park (the "Leased Premises"); and

Whereas, subsequent to the passage of Ordinance Nos. 1578-63, 1305-68 and 1976-68, the Garden Center officially changed its name to the Cleveland Botanical Garden ("Botanical Garden" or "Lessee"); and

Whereas, the Botanical Garden desires to enter into an amendment to the Original Lease, as amended by Ordinance Nos. 1305-68 and 1976-68, expanding the Leased Premises to include additional property, extending the Lease term an additional forty-nine (49) years subject to certain conditions subsequent, and further recognizing Lessee's name change; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into and execute an amendment to the Original Lease signed on December 6, 1964, between the City of Cleveland and the Garden Center of Greater Cleveland (the "Garden Center") pursuant to Ordinance No. 1578-63 and Resolution No. 2420-64, as amended by Ordinance Nos. 1305-68 and 1976-68.

Section 2. That said amendment shall be prepared by the Director of Law, and shall provide for the expansion of the Leased Premises to include additional property. The entire Leased Premises shall be described in said amendment as follows:

THE GARDEN CENTER OF
GREATER CLEVELAND
LAND LEASED FROM
CITY OF CLEVELAND
Situated in the City of Cleveland,
County of Cuyahoga and State of
Ohio, and known as being a part of
Original 100 Acre Lots Nos. 394 and
395, bounded and described as follows:

Beginning at a stone monument in the center line of Hazel Drive N.E., 70 feet in width, at its intersection with the Easterly line of East Boulevard N.E.;

Thence South 8° 26' 31" West, 80.30 feet to a point on the Southwesterly curb line of East Boulevard N.E.;

Thence continuing along said Southwesterly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 66.51 feet to the Northeasterly corner of land leased to the Garden Center of Greater Cleveland by the City of Cleveland by Ordinance No. 1305-68, said curved line having a radius of 600.00 feet and a chord which bears South 37° 12' 09" East a distance of 66.47 feet, being also the principal place of beginning of the premises herein to be described;

Course No. 1: Thence Southeasterly along said Southwesterly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 185.07 feet to a point of compound curvature, said curved line having a radius of 600.00 feet and a chord which bears South 25° 11' 25" East a distance of 184.34 feet;

Course No. 2: Thence Southeasterly continuing along a Southwesterly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 85.94 feet to a point of compound curvature, said curved line having a radius of 570.00 feet and a chord which bears South 13° 52' 36" East a distance of 85.85 feet;

Course No. 3: Thence Southerly continuing along a Westerly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 253.18 feet to a point of compound curvature, said curved line having a radius of 540.00 feet and a chord which bears South 2° 25' 17" West a distance of 250.86 feet;

Course No. 4: Thence Southwesterly continuing along the Northwesterly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 92.25 feet to a point of tangency, said curved line having a radius of 180.00 feet and a chord which bears South 28° 24' 44" West a distance of 91.24 feet;

Course No. 5: Thence South 40° 20' 51" West continuing along a Northwesterly curb line of East Boulevard N.E., 200.08 feet to a point of curvature;

Course No. 6: Thence continuing along said Northwesterly curb line of East Boulevard N.E., along the arc of a circle deflecting to the right, 31.72 feet to a point of tangency, said curved line having a radius of 26.00 feet and a chord which bears South 75° 17' 35" West a distance of 29.79 feet;

Course No. 7: Thence North 69° 45' 42" West in a direct line, 95.50 feet to its intersection with the Southerly prolongation of the Westerly line of land leased to the Garden Center of Greater Cleveland by the City of Cleveland by Ordinance No. 1976-68;

Course No. 8: Thence North 5° 33' 39" West along said Southerly prolongation of the Westerly line of land so leased to the Garden Center of Greater Cleveland, the Westerly line of land so leased to the Garden Center of Greater Cleveland and along the Westerly line of land leased to the Garden Center of Greater Cleveland by Ordinance No. 1578-63 and 1305-68, 590.67 feet to the Northwesterly corner of land so leased to the Garden Center of Greater Cleveland by Ordinance No. 1305-68;

Course No. 9: Thence North 65° 12' 20" East along the Northwesterly line of land so leased to the Garden Center of Greater Cleveland, 286.56 feet to the principal place of beginning, containing 199,907 square feet of land (4.5892 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, revised in February, 1995, be the same more or less.

Section 3. That said amendment shall also contain a provision extending the Lease term an additional forty-nine (49) years, until December 6, 2063, subject to the condition subsequent that Lessee make certain improvements to the Leased Premises.

Section 4. That said amendment shall also contain a provision formally recognizing and acknowledging that the lessee has officially changed its name from the Garden Center to the Cleveland Botanical Garden, provided evidence of a legal name change has been provided to the satisfaction of the Director of Law.

Section 5. That said amendment shall incorporate all other terms and conditions of the Original Lease signed December 6, 1964, and shall contain such additional provisions as the Director of Law deems necessary or appropriate to protect the City's interests.

Section 6. That the Directors of Parks, Recreation and Properties and Law, and other appropriate City officials, are hereby authorized and directed to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease agreement authorized pursuant to this ordinance.

Section 7. That Ordinance No. 1423-70, passed October 12, 1970, is hereby repealed.

Section 8. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 146-96.

By Councilman Miller.

An emergency ordinance to amend Section 345.04 of the Codified Ordinances of the City of Cleveland, Ohio, 1976 as amended by Ordinance No. 1447-94, passed September 19, 1994, relating to prohibited uses in General Industry Districts.

Whereas, this ordinance constitutes and 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 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1447-94, passed September 19, 1994, is hereby amended to read as follows,

Section 345.04 General Industry Districts

(a) Permitted Buildings and Uses. Within any General Industry District the following buildings or uses are permitted; no building or premises shall hereafter be erected,

altered, used, arranged or designed to be used, in whole or part for other than one or more of the following specified uses.

(1) All buildings and uses permitted in a Semi-Industry District without the restrictions contained in Section 345.03 applying to such buildings or uses except that:

A. Loading or unloading platforms of motor freight depots or trucking terminals shall not be less than fifty feet from the street line unless such platforms are so located that freight handling vehicles will not stand or maneuver in the space between the platform and the street line.

B. Dusty material storage and handling shall be subject to the limitations and restrictions of Section 347.05.

C. All buildings and uses shall conform to other applicable regulations of this Zoning Code and other applicable statutes, ordinances, rules or regulations.

(2) Any industrial, manufacturing, commercial or other nonresidential use, except the uses hereinafter listed as prohibited uses in a General Industry District.

(3) The open yard storage of secondhand lumber or other used building material, junk, paper, rags, unrepaired or uncleaned containers or other salvaged articles provided such uses are enclosed within a minimum seven-foot high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence not closer to the street line than the setback building line and not closer than fifty feet to any Residence District. Such wall or fence may have one opening not more than twenty feet in width for street access, and may have two such openings if the wall or fence along the street is more than 200 feet in length.

(4) The operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of 50,000 square feet providing such premises is enclosed within a minimum seven-foot high solid masonry wall or slightly solid, non-transparent, well maintained substantial fence. Such wall or fence may have one opening not more than twenty feet in width for street access and may have two such openings if the wall or fence along the street is more than 200 feet in length. All walls or fences referred to in this chapter shall be neatly constructed, kept in good order and repair; no printing, lettering or advertisement shall be made part of or attached thereto or painted on the outside of the wall or fence, except that a sign located at the entrance to the yard may be provided to identify the yard.

(5) The sale or storage for sale of liquefied petroleum gases and acetylene and other compressed or liquefied gases of a highly flammable nature.

(6) Buildings and structures in Use Group I-3 in the Ohio Basic Building Code but only at the State of Ohio Pre-Release Center located on Orange Avenue.

(b) Accessory Uses by Special Permit. The following uses are prohibited as the main or primary use of the premises; they are permitted only as uses accessory or incidental to a permitted use and only on special permit from the Board of Zoning Appeals:

- (1) Asphalt or tar manufacturing or refining.
- (2) Blast furnaces, ore smelting or reduction, metal refining or smelting.
- (3) Carbon, coke or lampblack manufacture.
- (4) Coal gas manufacture.
- (5) Cremation within 300 feet of a Residence District.
- (6) Creosote manufacture or treatment.
- (7) Dextrine, glucose or starch manufacture
- (8) Disinfectant or insecticide manufacture which emits offensive odors.
- (9) Dye stuffs manufacture.
- (10) Manufacture of steel by the Bessemer process.
- (11) Match manufacture.
- (12) Oil cloth or linoleum manufacture.
- (13) Paper and pulp manufacturing by sulphite processes emitting noxious gases or odors.
- (14) Production or refining of petroleum or other flammable liquids.
- (15) Rock crushing.
- (16) Rubber manufacture by reclaiming processes.
- (17) Stock feed manufacture from refuse.
- (18) Tanning, curing or storing of raw hides or skins.
- (19) Wool pulling or scouring.
- (20) Hair processing.
- (21) Any other trade, industry or use that will be no more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of this section.
- (c) Buildings and Uses Prohibited.
 - (1) In a General Industry District no building or premises shall hereafter be erected, altered or arranged for human habitation other than at the State of Ohio Pre-Release Center located on Orange Avenue, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use;
 - (2) In a General Industry District no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any of the following uses:
 - A. Acid manufacture, including hydrochloric acid, nitric acid, picric acid, sulphuric acid, and sulphurous acid.
 - B. Ammonia, bleaching powder, soda, soda compound, potash or chlorine manufacturing or refining.
 - C. Bronze powder or other metallic powder manufacture.
 - D. Cement, gypsum, lime, or plaster of Paris manufacture.
 - E. Distillation of bones, coal or wood, or manufacture of any of the by-products of such distillation.
 - F. Fat, grease, lard or tallow manufacturing, rendering or refining.
 - G. Fertilizer manufacture from phosphates or organic matter.
 - H. Gelatine, glue or size manufacture.
 - I. Incineration or reduction of dead animals, garbage, offal or refuse, except in a private incinerator constructed and operated as required by Section 337.23.
 - J. Manufacture of incendiary devices, pyrotechnical devices, fire-

works, and other explosives, or the storage thereof.

K. Mineral insulation manufacture.

L. Rayon manufacture.

M. Slaughtering of animals, except poultry.

N. Stockyards.

O. Any other trade, industry or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than any one of the enterprises enumerated in division (c) (2) of this section.

Section 2. That existing Section 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1447-94, passed September 19, 1994 is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

**Ord. No. 197-96.
By Councilmen Coats, McGuirk and Rokakis (by departmental request).**

An emergency ordinance to amend Section 507.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2417-90, passed June 17, 1991, relating to penalty for sidewalk obstructions and maintenance.

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 507.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2417-90, passed June 17, 1991, is hereby amended to read as follows:

Section 507.99 Penalty

(a) Whoever violates Sections 507.01 or 507.02 shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(b) Whoever violates Sections 507.04 shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).

(c) Whoever violates Sections 507.06, 507.07 or 507.08 shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each offense.

(d) Whoever violates Section 507.09 shall be fined not more than one hundred dollars (\$100.00).

(e) Any owner, agent, employee or other person violating Section 507.10 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

(f) Whoever violates Section 507.11 and 507.12 or who fails or neglects to comply with either of those sections shall be fined not more than fifty dollars (\$50.00) for each offense or violation, and five dollars (\$5.00) for each day the violation is continued.

(g) Subject to division (h) of this section, whoever violates Section 507.13 or 507.14 or who fails or

neglects to comply with any of the provisions thereof shall be fined not more than five dollars (\$5.00) for each offense, and one dollar (\$1.00) for each day the offense is continued.

(h) Any owner of lots or lands which are used in whole or in part for the operation of a business, as defined in Section 505.11, and who violates Section 507.13 or fails or neglects to comply with any of the provisions thereof shall be fined twenty-five dollars (\$25.00) for each day the offense occurs or continues.

(i) Whoever violates Section 507.15 is guilty of a minor misdemeanor, and shall be fined one hundred dollars (\$100.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder. If the offender persists in violating Section 507.15, after reasonable warning or request to desist, the offender is guilty of a misdemeanor of the first degree.

(j) In addition to any other method of enforcement provided for in this chapter, the provisions of division (i) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 2. That existing Section 507.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2417-90, passed June 17, 1991, is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

**Ord. No. 368-96.
By Councilmen Paulenske, Jackson and Rokakis (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with the Cleveland-Cuyahoga County Port Authority, or their designee, to provide economic development assistance for the acquisition and relocation of J.C. Hub located at East 36th Street and Chester Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with the Cleveland-Cuyahoga County Port Authority, or their designee, to provide economic development assistance for the acquisition and relocation of J.C. Hub, located at East 36th Street and Chester Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms set forth in the summary contained in File No. 368-96-A and shall include a requirement that the borrower use its best efforts to employ

twenty-two percent (22%) minorities and ten percent (10%) females in on-site demolition and site development jobs.

Section 3. That the costs of said contract shall not exceed Nine Hundred Thousand Dollars (\$900,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 22405.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 15 SF 503.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended

from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 370-96.
By Councilmen Polensek, McGuirk and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 135.47 thereof, relating to reimbursement by Cuyahoga County of the costs of a police officer to participate in the Jail Population Reduction Project.

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 135.47 thereof, to read as follows:

Section 135.47 Jail Population Reduction Project

The Director of Public Safety is authorized to enter into contract with the Board of Commissioners of Cuyahoga County for reimbursement of the costs of a Cleveland police officer or former Cleveland police officer to participate in the Jail Population Reduction Project.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 374-96.

By Councilmen Rybka, Polensek, Coats, McGuirk and Rokakis (by departmental request).

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 511.01 through 511.12 thereof, relating to hospital trailblazer signs.

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 511.01 through 511.12 thereof, to read respectively, as follows:

**CHAPTER 511
HOSPITAL
TRAILBLAZER SIGNS**

Section 511.01 Purpose

The purpose of this chapter is to ensure that signs placed in the public right-of-way to direct motorists to emergency medical facilities are located and designed in a manner which provides information clearly and efficiently, with a minimum of confusion and clutter. Generally, these guidelines are consistent with standards established by the Ohio Department of Transportation.

Section 511.02 Definitions

(a) A "hospital trailblazer sign" is a sign located within the public right-of-way, directing the public to a qualifying hospital facility.

(b) A "standard" hospital trailblazer sign displays only the "H" symbol and a white directional arrow, as depicted in Section 511.12.

(c) A hospital trailblazer "identification" sign displays the name of each hospital to which the public is directed, as depicted in Section 511.12.

Section 511.03 Qualifying Hospital Facilities

Qualifying hospital facilities are hospitals that provide emergency medical services to the general public on a 7 day-a-week, 24 hour-a-day basis, with a physician on duty in the emergency department at all times or with a registered nurse on duty in the emergency department and with a physician in the hospital on call. Qualifying hospital facilities are permitted to use hospital trailblazer signs pursuant to this chapter.

Section 511.04 Design of Signs

(a) **All Signs.** Each hospital trailblazer sign shall consist of a rectangular metal panel 24" in width, displaying a white "H" on a blue background in a 24" square copy area, placed at the top of the sign. The sign shall also display a directional arrow or arrows. All elements of the sign shall be displayed on a single panel, bordered in a white frame. Each sign shall be designed in accordance with the applicable illustration in Section 511.12. Each hospital may be identified with either a Standard sign or an Identification Sign, as described in divisions (b) and (c) of this Section.

(b) **Standard Signs.** The Standard Sign shall be designed according to division (b) of Section 511.02. The sign panel shall be 24" in width and a total of 33" in height, including a 9" high band for display of the directional arrow.

(c) **Identification Signs.** The Identification Sign shall display the name or names of each qualifying hospital permitted to be displayed at the subject location, in accordance with the General Location Standards set forth in Section 511.05. Each hospital name shall be displayed in white letters at least 3" in height, in a copy area which is a maximum of 15" in height. A white directional arrow shall be placed under each hospital name. For signs displaying the names of two or more hospitals, the hospitals shall be listed in descending order with respect to the distance of each hospital, with the closest hospital listed first. The distance of each hospital's emergency entrance shall be displayed in fractions of a mile, in white numerals and letters placed to the left of the directional arrow. No more than three (3) hospital names shall be displayed on a single sign unless a special design accommodating more than three names has been approved by the City Planning Director for a location at which the standards of this chapter permit identification of more than three hospitals.

Section 511.05 General Locational Standards

(a) **Local Area Signs.** The area within one mile of the boundaries of a qualifying hospital facility shall be considered the "local area" for purposes of hospital trailblazer sign placement. Within the "local area," trailblazer signs directing motorists to the subject hospital or hospitals may be placed on arterial roads or collector roads

(as classified by the Ohio Department of Transportation) at "decision-making points" where a right or left turn is required, and at the intersection of two or more arterial roads. Separate signs for two or more hospitals shall not be permitted where a single, multiple-hospital sign could be placed.

(b) **Signs on Freeway Routes.** Outside of the 1-mile "local area," hospital trailblazer signs shall be permitted only on roads which provide the most direct route from freeway interchanges most directly serving a qualifying hospital. Such signs may be placed at "decision-making points," where a right or left turn is required for one or more of the listed hospitals, and at the intersection of two or more arterial roads (as classified by Ohio Department of Transportation). Separate signs for two or more hospitals shall not be permitted where a single, multiple-hospital sign could be placed.

(c) **Signs on Freeways.** Hospital trailblazer signs shall be placed on inter-state highways and other freeways, as well as in immediate proximity to freeway exits ramps, as permitted by the Ohio Department of Transportation.

Section 511.06 Specific Placement Standards

(a) **Distance from Intersection.** A permitted hospital trailblazer sign shall be placed approximately 150-200 feet in advance of an intersection where a left turn is indicated, approximately 100 feet in advance of an intersection where only a right turn is indicated, and less than 100 feet in advance of an intersection where no turn is indicated. Precise locations for particular signs shall be determined by the Commissioner of Traffic Engineering and Parking.

(b) **Attachment.** Hospital trailblazer signs shall be attached to utility poles, where such poles are appropriately located. Only where utility poles or other sign posts are not available shall hospital trailblazer signs be attached to posts installed exclusively for display of the trailblazer sign. Specific placement shall be approved by the Commissioner of Traffic Engineering and Parking and, for signs placed on utility poles, the Commissioner of Cleveland Public Power.

(c) **Vertical and Lateral Clearance.** Each hospital trailblazer sign shall be set back at least two (2) feet from the curb face or as permitted by the Commissioner of Traffic Engineering and Parking. The bottom of each sign shall be approximately 7-10 feet above the level of the adjoining street surface, as approved by the Commissioner of Traffic Engineering and Parking.

Section 511.07 Installation, Ownership and Maintenance

(a) Manufacture, installation, maintenance, and replacement of hospital trailblazer signs shall be at the sole cost and responsibility of the subject hospital or hospitals or its designated agent or agents. The signs shall remain property of the hospital or hospitals or its agent or agents.

(b) All signs shall be maintained in good condition. Signs in deteriorated or damaged condition, or signs that contain obsolete information shall be repaired, replaced or removed upon the order of the Commissioner of Traffic Engineering and Parking.

Section 511.08 Encroachment Application Permit Required

Encroachment Permits are required for placement of all hospital trailblazer signs. Applications shall be as follows:

(a) **Comprehensive Sign Location Plan.** Not later than six (6) months after the effective date of this chapter, all hospitals shall submit to the City Planning Commission a comprehensive citywide plan for the placement of such signs. The plan shall indicate the general location of each proposed sign and each existing sign to be retained, and the name or names of each hospital listed on each sign. The plan shall demonstrate how the number of signs will be minimized by coordinating the signage needs of hospitals that share access routes. The City Planning Commission shall review the plan with respect to the General Locational Standards set forth in Section 511.05 and shall either approve or disapprove the plan within 45 days of receipt of a complete plan, unless the applicant hospitals request an extension in this time period to permit preparation of recommended revisions. The Commission shall consult with the Commissioner of Traffic Engineering and Parking prior to approving the plan.

(b) **Encroachment Permit Application.** Subsequent to approval of a comprehensive sign location plan by the City Planning Commission, any hospital or hospitals seeking to install hospital trailblazer signs shall apply for an Encroachment Permit from the Director of Public Service. The application shall include the following information:

- (1) a written description of the proposed encroachment or encroachments, including the dimensions, height, color and construction materials of each sign, as well as the name or names of each hospital listed on each sign;
- (2) a sketch of each proposed sign, drawn to scale and marked with dimensions and colors;
- (3) a description and scaled site plan of the encroachment area, prepared, if required by the Director of Public Service, by a licensed surveyor;
- (4) a detailed description of the method of attachment to a permanent structure or to the ground;
- (5) written consent of the Councilmember in whose ward the encroachment is to be located; and
- (6) evidence of consent of the pole owner to affixing the sign to its pole if the pole is not owned by the applicant for the Encroachment Permit; and
- (7) any other information that the Director of Public Service deems necessary.

(c) **Review and Approval of Encroachment Permit Application.** The Director of Public Service shall promptly refer the Encroachment Permit application to the Commissioner of Traffic Engineering and Parking, the Director of the City Planning Commission and, if applicable, the Commissioner of Cleveland Public Power, each of whom shall review the application for consistency with the standards established in this chapter, the approved comprehensive sign location plan, and other applicable City standards. Each such official shall transmit a recommendation to the Director of Public Service, who shall then initiate the final Encroachment Permit process. The Director shall issue the Encroachment Permit if he or she determines that all requirements of this chapter have been met, including consent of the City Council member in whose ward the encroachment is to be located.

(d) **Revocation of Encroachment Permits.** The Director of Public Service shall revoke the Encroachment Permit for any sign that is not maintained in accordance with this chapter.

Section 511.09 Pre-existing Signs

(a) **Submission of Information.** As part of the comprehensive sign location plan to be submitted to the City Planning Commission pursuant to division (a) of Section 511.08, each hospital shall submit a complete listing of all existing hospital trailblazer signs it installed prior to the effective date of this chapter. The listing shall include the location of each sign, a notation indicating whether the hospital proposes to retain, remove or replace each sign, the ordinance number of the applicable Encroachment Permit for each sign, and a photograph of each sign, or sign type, marked with the dimensions of the sign panel.

(b) **Conforming Signs.** Any sign determined by the Director of the City Planning Commission to be substantially conforming to these guidelines shall be permitted to remain in place. However, if there is no record of an Encroachment Permit for any such sign, the subject hospital shall apply for an Encroachment Permit within 30 days of receipt of written notification from said Director.

(c) **Nonconforming Signs.** Any sign determined by the Director of the City Planning Commission to be substantially nonconforming to the standards of this chapter shall be removed by the subject hospital within 30 days after receipt of written notice from said Director, except in the case of a sign which the hospital proposes to replace. For such signs, the hospital shall submit an Encroachment Permit application for the replacement sign to the Director of Public Service within 30 days of approval of the Comprehensive Sign Location Plan. The nonconforming sign shall be removed and replaced within 30 days of the issuance of an Encroachment Permit.

Section 511.10 Variations and Appeals

The Commissioner of Traffic Engineering and Parking may vary the standards established in this chapter to the extent necessary, in the determination of the Commission, to ensure traffic safety and to better direct the

motorist in particular instances. Decisions of any City official with respect to hospital trailblazer signs may be appealed to the Board of Zoning Appeals in accordance with applicable regulations and procedures.

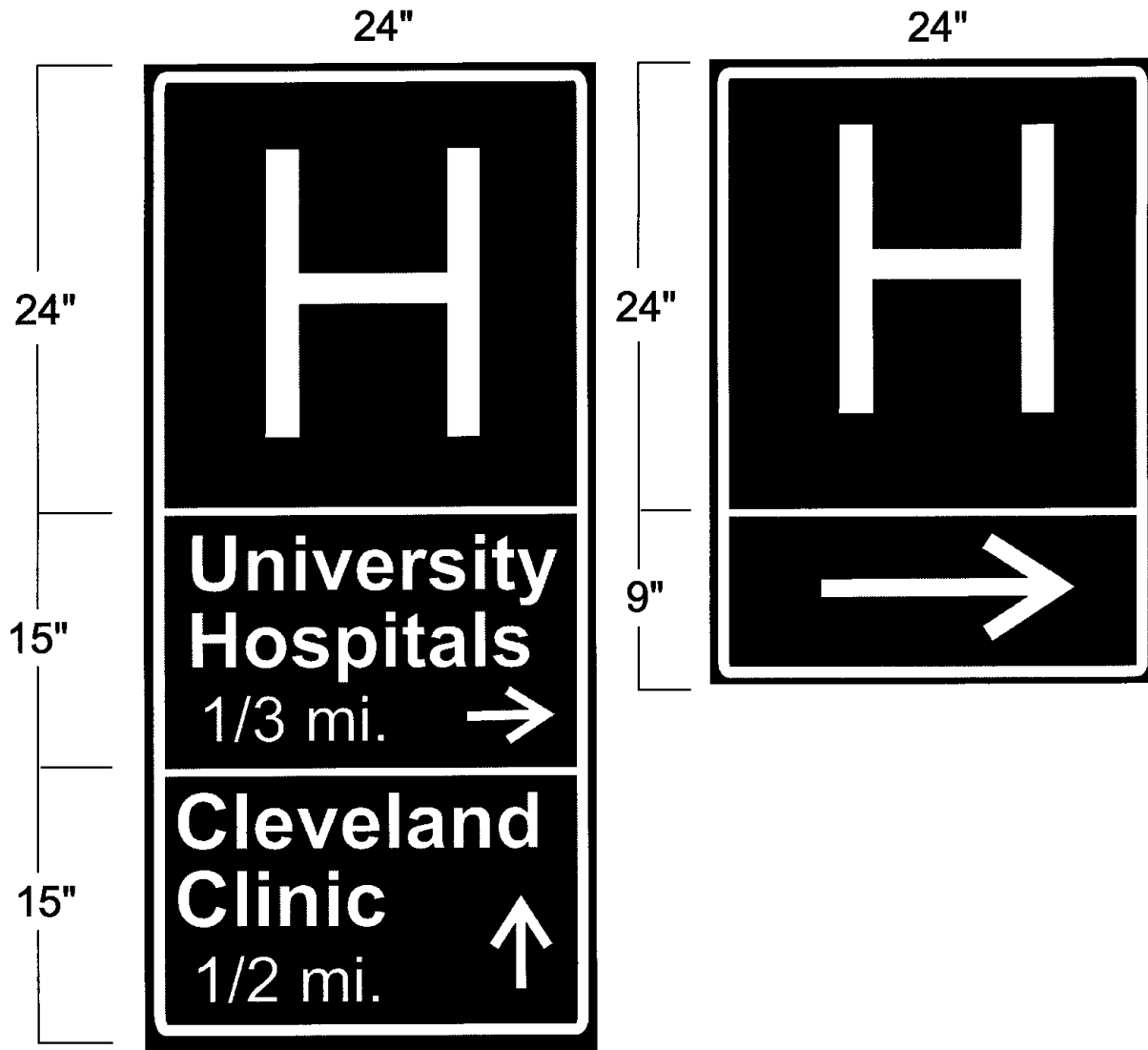
Section 511.11 Insurance and Liability

The recipient of an Encroachment Permit for a hospital trailblazer sign shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of each such device, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at sign owner's expense, such general commercial liability insurance as shall protect said owner and the City from all claims for damage to property or bodily injury, including death, which may arise from operation under the permit or in connection therewith.

Such policy shall name the City as an additional insured, shall be in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit for any injury to persons and/or damage to property and shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without thirty (30) days prior written notice to the City.

A certificate of insurance shall be provided to the City with the required application for an Encroachment Permit and shall be maintained before and during installation of such device and throughout the period that the permit for the encroachment is in effect.

Section 511.12 Illustrations



Section 2. That this ordinance shall take effect and be in force from and after September 1, 1996.
Passed June 10, 1996.
Effective July 20, 1996.

Ord. No. 418-96.

By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the New Village Corporation, to construct an ornamental fence with a gate and a planting strip, approximately 330 feet long and 3.5-feet wide, which will encroach into the right-of-way of Central Avenue S.E. between East 36th and East 37th Streets at Central Commons Subdivision No. 4.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to the New Village Corporation, General Partner, whose address is Glenville Enterprise Center; 540 East 105th Street; Cleveland, Ohio 44108; its successors and assigns, for the construction, use and maintenance of an ornamental fence and a gate and also a planting strip approximately 330.00 feet long and approximately 3.5 feet wide along the Central Commons Subdivision No. 4 building front, bearing the house numbers of 3604, 3612, 3628, 3636, 3644, 3652, and 3664; and which fence, gate, and planting strip will encroach into the public right-of-way of Central Avenue S.E. between East 36th and East 37th Streets, at the locations more fully described as follows:

ENCROACHMENT/FENCE & PLANTING STRIP/IN R/W OF CENTRAL AVENUE S.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 3.5 feet of Central Avenue S.E. (60.00 feet wide) extending Easterly from the Easterly line of East 36th Street (60.00 feet wide) to the Westerly line of East 37th Street (66.00 feet wide), be the same more or less but subject to all legal highways.

Section 2. That said fence, gate and planting strip will be constructed within the public right-of-way of Central Avenue S.E. at the locations aforesaid in Section 1, and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 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 June 10, 1996.
Effective July 19, 1996

Ord. No. 491-96.

By Councilman Jackson.

An ordinance to change the Use District of lands located between E. 40 Street and E. 46 Street approximately 154.50' south of Carnegie Avenue, S.E. (Map Change No. 1899, Sheet No. 5)

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

Section 1. That the Use Area of lands bounded and described as follows,

PARCEL 1

CITY OF CLEVELAND COUNTY OF CUYAHOGA, AND STATE OF OHIO being the rear 66.81 feet of 19 in Henry F. Clark's Allotment of part of original ten (10) acre Lot No. 71, as shown by the recorded plat in Volume 4 of Maps, Page 10 of Cuyahoga County Records, and further described as starting on the northwest corner of aforesaid Sublot 19, said point being the southwest corner of Sublot 18 in the aforesaid Henry F. Clark's Allotment; thence north 82 degrees, 02 minutes, 50 seconds along the north line of Sublot 19, a distance of 40.00 feet to a point; thence south 08 degrees, 08 minutes, 45 seconds east along the east line of Sublot 19 said line being the west line of Sublot 20 in Henry F. Clark's Allotment, a distance of 66.81 feet to a point; thence south 82 degrees, 02 minutes, 50 seconds west parallel with the north line of Sublot 19, a distance of 40 feet to a point; thence north 7 degrees, 57 minutes, 00 seconds west along the west line of Sublot 19, a distance of 66.81 feet to a point and the place of beginning, be the same more or less, but subject to all legal highways drive easement said above described parcel shall have increment and decress over a drive 20 feet wide starting on the northwest corner of Sublot 18 in the aforesaid Henry F. Clark's Allotment; thence westerly 20 feet to a point; thence southerly 174.50 feet to a point; thence easterly 20 feet to a point; thence northerly 174.50 feet to a point and the place of beginning said described drive being on the land presently owned by Arthur P. Marcus, Trustee, said drive easement shall be forever pertuity, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1899, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed June 10, 1996.
Effective July 20, 1996.

Ord. No. 525-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program for Bicentennial Village to Fairfax Renaissance Development Corporation or its designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the 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 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. 119-29-013 as more fully described in Section 2 below, to Fairfax Renaissance Development Corporation or its 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. 119-29-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 96 and the Southerly 5 feet of Sublot Nos. 1 and 2 in A. J. March Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and together forming a parcel of land 40 feet front on the Westerly side of East 86th Street (formerly Beechwood Street) and extending back of equal width 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-014 as more fully described in Section 4 below, to Fairfax Renaissance Development Corporation or its designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P. P. No. 119-29-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and being 33 feet front on the Westerly side of East 86th Street, and extending back between parallel lines, 94 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-015 as more fully described in Section 6 below, to Fairfax Renaissance

Development Corporation or its designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P. P. No. 119-29-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 94 in the A. J. Marsh, Trustee Subdivision, of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 86th Street (formerly Beechwood Street) and extending back of equal width 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject go 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. 119-29-023 as more fully described in Section 8 below, to Fairfax Renaissance Development Corporation or its designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P. P. No. 119-29-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 in A. J. Marsh, Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat of said Subdivision in Volume 18 of Maps, Page 26 of Cuyahoga County Records.

Said Sublot No. 86 has a frontage of 40 feet on the Westerly side of East 86th Street, (formerly Beechwood Street), and extends back between parallel lines 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-027 as more fully described in Section 10 below, to Fairfax Renaissance Development Corporation or its designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 119-29-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in A. J. Marsh Trustee Subdivision of part of Original One Hundred Acre Lot No. 408 as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and being 35 feet front on the Westerly side of Beechwood Street, now known as East 86th Street and extending back of equal width 94 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 119-29-028 as more fully described in Section 12 below, to Fairfax Renaissance Development Corporation or its designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P. P. No. 119-29-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 34 feet of Sublot No. 81 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408 as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records. Said part of said Sublot No. 81 has a frontage of 34 feet on the Westerly side of Beechwood Street, now known as East 86th Street and extends back between parallel lines 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-029 as more fully described in Section 14 below, to Fairfax Renaissance Development Corporation or its designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P. P. No. 119-29-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 80 and the Southerly 1 foot of Sublot No. 81 in A. J. Marsh, Trustee Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land 34 feet front on the Westerly side of East 86th Street, (formerly Beechwood Street) and extending back of equal width 94 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-070 as more fully described in Section 16 below, to Fairfax Renaissance Development Corporation or its designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P. P. No. 119-29-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 78 in W. B. Newcomb's Subdivision of part of Original One Hundred Acre Lot Nos. 407 and 408, as shown by the recorded plat in Volume 18 of Maps, Page 2 of Cuyahoga County Records, and being 45 feet front on the Easterly side of East 85th Street (formerly Alanson Street) and extending back 91.14 feet on the

Northerly line. 91.25 feet on the Southerly line and having a rear line of 45 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 119-29-072 as more fully described in Section 18 below, to Fairfax Renaissance Development Corporation or its designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P. P. No. 119-29-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 72 in W. B. Newcomb's Subdivision of part of Original One Hundred Acre Lot Nos. 407 and 408, as shown by the recorded plat in Volume 18 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Alanson Street (now known as East 85th Street) and extending back of equal width 92-50/100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 119-29-080 as more fully described in Section 20 below, to Fairfax Renaissance Development Corporation or its designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P. P. No. 119-29-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 34 feet from front to rear of Sublot No. 65 in W. B. Newcomb's Subdivision of part of Original One Hundred Acre Lot Nos. 407 and 408, as shown by the recorded plat in Volume 18 of Maps, Page 2 of Cuyahoga County Records and being a parcel of land 34 feet front on the Westerly side of Alanson Street (now known as East 85th Street) and extending back of equal width 92-50/100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 119-29-105 as more fully described in Section 22 below, to Fairfax Renaissance Development Corporation or its designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P. P. No. 119-29-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet to Sublot No. 81 in Bower and Brack's Subdivision of part of Original One Hundred Acre

Lot No. 407, as shown by the recorded plat in Volume 12 of Maps, Page 32 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 84th Street (formerly Bertram Street), 72.76 feet deep on the Northerly line about 72.76 feet deep on the Southerly line and 30 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-111 as more fully described in Section 24 below, to Fairfax Renaissance Development Corporation or its designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P. P. No. 119-29-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 26 feet of Sublot No. 86 and the Southerly 7 feet of Sublot No. 87, Bower and Brack's Subdivision, Plat Book 12, Page 32 of Cuyahoga County Records, 33 feet on the Easterly side of East 84th Street, extending back of equal width 72.72 feet, as appears by said plat, 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. 119-29-120 as more fully described in Section 26 below, to Fairfax Renaissance Development Corporation or its designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P. P. No. 119-29-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 in Bower and Brack's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 12 of Maps, Page 32 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 84th Street (formerly Bertram Street) and extending back 72.64 feet on the Northerly line, 72.65 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.

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. 119-29-122 as more fully described in Section 28 below, to Fairfax Renaissance Development Corporation or its designee.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P. P. No. 119-29-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Bower and Brock's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat in Volume 12 of Maps,

Page 32 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 84th Street, (formerly Bertram Street) and extending back 72.63 feet on the Southerly line, 72.62 feet on the Northerly 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.

Also subject to zoning ordinances, if any.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-29-124 as more fully described in Section 30 below, to Fairfax Renaissance Development Corporation or its designee.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P. P. No. 119-29-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 99 and the Southerly 5 feet to Sublot No. 100 in Bower and Brack's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 12 of Maps, Page 32 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 40 feet on the Easterly side of East 84th Street and extending back of equal width 72.60 feet, as appears by said plat, 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. 119-30-099 as more fully described in Section 32 below, to Fairfax Renaissance Development Corporation or its designee.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P. P. No. 119-30-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in W. B. Newcombs Subdivision of part of Original One Hundred Acre Lot Nos. 407 and 408, as shown by the recorded plat in Volume 15 of Maps, Page 17 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 85th Street (formerly Alanson Street), and extending back of equal width 93.50 feet, as appears by said plat, 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. 119-31-057 as more fully described in Section 34 below, to Fairfax Renaissance Development Corporation or its designee.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P. P. No. 119-31-057

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.

408, and bounded and described as follows:

Beginning in the center line of East 87th Street (formerly Vienna Street) at a point 323 feet Southerly (measured along said line) from a stone at its point of intersection with the Southerly line of Cedar Avenue, S.E., (formerly Cedar Avenue); thence Westerly along a line at right angles with said center line of East 87th Street, 25 feet to the Westerly line of said East 87th Street, and the principal place of beginning of the premises herein described; thence continuing Westerly along a line of right angles to said centerline of East 87th Street, 149.35 feet; thence Southerly along a line parallel to said center line of East 87th Street, 40 feet; thence Easterly along a line at right angles with said center line of East 87th Street, 149.35 feet to said Westerly line of East 87th Street; thence Northerly along said Westerly line of East 87th Street, 40 feet to the place of beginning, and being further known as Sublot No. 3 in Whitaker and Harbauth's proposed Subdivision of part of Original One Hundred Acre Lot No. 408, 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. 119-31-069 as more fully described in Section 36 below, to Fairfax Renaissance Development Corporation or its designee.

Section 36. That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P. P. No. 119-31-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being fully described as follows:

Beginning in the Westerly line of East 87th Street (formerly Vienna Street) (50 feet wide) at the Northerly corner of parcel of land conveyed to Kittie C. Langton by deed dated March 27, 1905 and recorded in Volume 966, Page 324 of Cuyahoga County Records, thence Northerly along said Westerly line 39 feet 8 inches to the Southerly corner of a parcel of land conveyed to A. Klotzbach and Hattie Klotzbach by deed dated March 15, 1905 and recorded in Volume 967, Page 69 of Cuyahoga County Records; thence Westerly along the Southerly line of said parcel so conveyed to A. Klotzbach and Hattie Klotzbach, 149.35 feet to the Easterly line of A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records; thence Southerly along said Easterly line 39 feet 8 inches to the Northerly corner of parcel of land conveyed to Kittie C. Langton as aforesaid; thence Easterly along the Northerly line of said parcel so conveyed to Kittie C. Langton 149.35 feet to the place of beginning and being further known as the Southerly 39 feet 8 inches of Sublot No. 15 in Whitaker and Harbaugh's proposed Subdivision of part of Original One Hundred Acre Lot No. 408, be the same more or less, but subject to all legal highways.

Section 37. 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. 119-31-032 as more fully described in Section 38 below, to Fairfax Renaissance Development Corporation or its designee.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P. P. No. 119-31-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being bounded and described as follows:

Beginning in the Easterly line of East 87th Street (formerly Vienna Street) at the Southwesterly corner of land conveyed by F. D. and Vinnie V. Stevenson to Elizabeth L. Call, by deed dated March 14, 1910 and recorded in Volume 1266, Page 622 of Cuyahoga County Records; thence Easterly along the Southerly line of land conveyed to Elizabeth L. Call, as aforesaid, a distance of 165 feet to the Northwesterly corner of Sublot No. 20 in Henry and Howard White's Allotment of a part of said Original Lot No. 408, as recorded in Volume 11 of Maps, Page 40 of Cuyahoga County Records; thence Southerly along the Westerly line of said Sublot No. 20, a distance of 40 feet to the Northeastly corner of land conveyed by Harriet J. and John J. Kirkwood to Ford P. Beers, by deed dated March 27, 1894 and recorded in Volume 575, Page 51 of Cuyahoga County Records; thence Westerly along the Northerly line of land conveyed to Beers, as aforesaid; a distance of 165 feet to the Easterly line of East 87th Street; thence Northerly along the Easterly line of East 87th Street 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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. 119-31-033 as more fully described in Section 40 below, to Fairfax Renaissance Development Corporation or its designee.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P. P. No. 119-31-033

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. 408 and bounded and described as follows:

Beginning in the Easterly line of East 87th Street (formerly Vienna Street) at the Southwesterly corner of land conveyed by George W. Richardson and wife to Ella M. Stranahan by deed dated November 8, 1883, and recorded in Volume 358, Page 211 of Cuyahoga County Records; thence Easterly along the Southerly line of said Stranahan's land, 165 feet to the Northwesterly corner of Sublot No. 19 in Henry and Howard White's Allotment of a part of said Original Lot No. 408 as recorded in Volume 11 of Maps, Page 40 of Cuyahoga County Records; thence Southerly along the Westerly line of said Sublot No. 19, 40 feet to the Northeastly corner of land conveyed by Lena B. Champ and husband to Elizabeth L. Call, by

deed dated January 2, 1906 and recorded in Volume 1006, Page 428 of Cuyahoga County Records; thence Westerly along the Northerly line of said Call's land, 165 feet to the Easterly line of East 87th Street; thence Northerly along the Easterly line of East 87th Street, 40 feet to the place of beginning, as appears by said plat, but subject to all legal highways.

Section 41. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-31-045 as more fully described in Section 42 below, to Fairfax Renaissance Development Corporation or its designee.

Section 42. That the real property to be sold pursuant to Section 41 of this Ordinance is more fully described as follows:

P. P. No. 119-31-045

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. 408, and bounded and described as follows:

Beginning on the Easterly line of East 87th Street (formerly Vienna Street), at Southwesterly corner of land conveyed to Louise G. Lyman by deed dated October 15, 1907, and recorded in Volume 1136, Page 235 of Cuyahoga County Records; thence Southerly along the said Easterly line of East 87th Street, 40 feet to the Northwesterly corner of land conveyed to Anna Carroll by deed dated June 27, 1913 and recorded in Volume 1473, Page 161 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Anna Carroll, about 165 feet to the Westerly line of White and White's Subdivision, as shown by the recorded plat in Volume 11 of Maps, Page 40 of Cuyahoga County Records; thence Northerly along the said Westerly line of White's Subdivision, 40 feet to the Southerly line of land conveyed to Louise G. Lyman, as aforesaid; thence Westerly along the Southerly line of land so conveyed to Louise G. Lyman, about 165 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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. 119-31-048 as more fully described in Section 44 below, to Fairfax Renaissance Development Corporation or its designee.

Section 44. That the real property to be sold pursuant to Section 43 of this Ordinance is more fully described as follows:

P. P. No. 119-31-048

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. 408 bounded and described as follows:

Beginning 9-3/4 feet North from the Southwest corner of Sublot No. 5 of Henry and Howard White's Allotment of part of Original One Hundred Acre Lot No. 408, as recorded in Volume 11 of Maps, Page 40 of Cuyahoga County Records; thence North along said White's West line 60 feet; thence West at

right angles with East 87th Street (formerly Vienna Street) about 165 feet to the East line of said 87th Street; thence South along the East line of said East 87th Street, 60 feet; thence East at right angles with East 87th Street about 165 feet to the place of beginning, and being further known as Sublot No. 3 of Eliza Richardson's proposed allotment of part of Original One Hundred Acre Lot No. 408, 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. 119-31-080 as more fully described in Section 46 below, to Fairfax Renaissance Development Corporation or its designee.

Section 46. That the real property to be sold pursuant to Section 45 of this Ordinance is more fully described as follows:

P. P. No. 119-31-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, and being 33 feet front on the Easterly side of East 86th Street (formerly Beechwood Street), and extending back of equal width 93.34 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 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. 119-31-089 more fully described in Section 48 below, to Fairfax Renaissance Development Corporation or its designee.

Section 48. That the real property to be sold pursuant to Section 47 of this Ordinance is more fully described as follows:

P. P. No. 119-31-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 32 feet of Sublot No. 23 and the Northerly 1 foot of Sublot No. 24 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land 33 feet front on the Easterly side of East 86th Street (formerly Beechwood Street), 93-38/100 feet deep on the Northerly line, 93-37/100 feet deep on the Southerly line and 33 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 49. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-31-099 as more fully described in Section 50 below, to Fairfax Renaissance

Development Corporation or its designee.

Section 50. That the real property to be sold pursuant to Section 49 of this Ordinance is more fully described as follows:

P. P. No. 119-31-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the middle part of Sublot No. 13 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records.

Said part of Sublot No. 13 is bounded East and West by the respective lines of said Sublot; Northerly by a line drawn parallel with the Northerly line of said Sublot and 1 foot distant Southerly therefrom by rectangular measurements; Southerly by a line drawn parallel with the Southerly line and 1 foot distant therefrom. Said parcel is 33 feet on the Easterly line of East 86th Street (formerly Beechwood Street) and extends back therefrom between parallel lines about 93-44/100 feet, be the same more or less, but subject to all legal highways.

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. 119-31-102 as more fully described in Section 52 below, to Fairfax Renaissance Development Corporation or its designee.

Section 52. That the real property to be sold pursuant to Section 51 of this Ordinance is more fully described as follows:

P. P. No. 119-31-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet front and rear of Sublot No. 10 and the Northerly 5 feet front and rear of Sublot No. 11 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land 30 feet front on the Easterly side of East 86th Street (formerly Beechwood Street) and extending back about 93-46/100 feet on the Northerly line, about 93-45/100 feet on the Southerly line and having a rear line of 30 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 53. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-31-106 as more fully described in Section 54 below, to Fairfax Renaissance Development Corporation or its designee.

Section 54. That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P. P. No. 119-31-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 7 in the A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 Maps, Page 26 of

Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 86th Street (formerly Beechwood Street) at a point 5 feet Northerly from the Southwesterly corner of said Sublot No. 7; thence Northerly along the Easterly line of East 86th Street, 35 feet to the Northwesterly corner of said Sublot; thence Easterly along the Northerly line of said Sublot 90.48 feet; thence Southerly along the Easterly line of said Sublot 16.7 feet; thence Easterly, along the Northerly line of said Sublot, 3 feet; thence Southerly along the Easterly line of said Sublot 18.3 feet to the point 5 feet Northerly from the Southeastery corner of said Sublot; thence Westerly parallel with Southerly line of said Sublot, about 93.47 feet to the place of beginning as appears by said plat.

Also 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. 119-31-107 as more fully described in Section 56 below, to Fairfax Renaissance Development Corporation or its designee.

Section 56. That the real property to be sold pursuant to Section 55 of this Ordinance is more fully described as follows:

P. P. No. 119-31-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of Sublot No. 6 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, said part of said Sublot No. 6 has a frontage of 33 feet on the Easterly side of East 86th Street (formerly Beechwood Street) and extends back of equal width 90.48 feet deep as per plat of said Allotment recorded in Volume 18 of Maps, Page 26 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

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. 119-32-116 as more fully described in Section 58 below, to Fairfax Renaissance Development Corporation or its designee.

Section 58. That the real property to be sold pursuant to Section 57 of this Ordinance is more fully described as follows:

P. P. No. 119-32-116

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. 408, bounded and described as follows:

Beginning at the Southwesterly corner of Sublot No. 29 in Henry W. and Howard White's Allotment as recorded in Volume 11 of Maps, Page 40 of Cuyahoga County Records, thence Northerly along the Westerly line of said Sublot No. 29, 40 feet to the Northwesterly corner thereof; thence Westerly at right angles to the Easterly line of East 87th Street (formerly Vienna Street) 165 feet to the Easterly line of East 87th Street; thence Southerly along the Easterly line of East 87th Street,

40 feet; thence Easterly at right angles to the Easterly line of East 87th Street, 165 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 119-32-151 as more fully described in Section 60 below, to Fairfax Renaissance Development Corporation or its designee.

Section 60. That the real property to be sold pursuant to Section 59 of this Ordinance is more fully described as follows:

P. P. No. 119-32-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in W. H. Cleminshaw's Allotment of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 18 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 87th Street (formerly Shelburne Street) and extending back of equal width 90 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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. 119-32-172 as more fully described in Section 62 below, to Fairfax Renaissance Development Corporation or its designee.

Section 62. That the real property to be sold pursuant to Section 61 of this Ordinance is more fully described as follows:

P. P. No. 119-32-172

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 98 and 99 in W. H. Cleminshaw's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 18 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of East 86th Street (formerly Beechwood Street) at a point distant Northerly (measured along said Easterly line of East 86th Street), 73-1/2 feet from its intersection with the Northerly line of Quincy Avenue S.E., (formerly Quincy Street) 60 feet wide; thence Northerly along said Easterly line of East 86th Street 26-1/2 feet to the Northwesterly corner of said Sublot No. 99; thence Easterly along the Northerly line of said Sublot Nos. 99 and 98, 43 feet to a point distant Easterly (measured along said Northerly line of Sublot No. 98) 1 foot from the Northwesterly corner of said Sublot No. 98; thence Southerly along the line parallel with the Westerly line of said Sublot No. 98, 26-1/2 feet; thence Westerly along a line paral-

lel with the Northerly line of said Quincy Avenue, S.E., 43 feet to the principal place of beginning, as appears by said plat.

Also 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. 119-33-091 as more fully described in Section 64 below, to Fairfax Renaissance Development Corporation or its designee.

Section 64. That the real property to be sold pursuant to Section 63 of this Ordinance is more fully described as follows:

P. P. No. 119-33-091

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. 408, and bounded and described as follows:

Beginning on the Easterly line of East 89th Street at the Southwesterly corner of Sublot No. 15 in the T. S. Knight and George W. Pack, Executor's Subdivision, as shown by the recorded plat in Volume 14 of Maps, Page 29 of Cuyahoga County Records; thence Easterly along the Southerly line of said Sublot No. 15, 226.20 feet to the Westerly line of Dolman Subdivision, as shown by the recorded plat in Volume 12, Page 28 of Cuyahoga County Records; thence Southerly along the Westerly line of said Dolman's Subdivision 50 feet to the Northeasterly corner of land conveyed to John J. Grant by deed dated April 17, 1897, and recorded in Volume 659, Page 517 of Cuyahoga County Records; thence Westerly along the Northerly line of land conveyed, 224.76 feet to the Easterly line of East 89th Street; thence Northerly, along the Easterly line of said East 89th Street, 50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 65. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-05-109 as more fully described in Section 66 below, to Fairfax Renaissance Development Corporation or its designee.

Section 66. That the real property to be sold pursuant to Section 65 of this Ordinance is more fully described as follows:

P. P. No. 126-05-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in Severin Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 4 of Maps, Page 39 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Folsom Avenue, S.E., and extending back between parallel lines 149.17 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 126-07-005 as more fully described in Section 68 below, to Fairfax Renaissance

Development Corporation or its designee.

Section 68. That the real property to be sold pursuant to Section 67 of this Ordinance is more fully described as follows:

P. P. No. 126-07-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in William Given's Re-Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 4 of Maps, Page 59 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 89th Street at a point 144 feet Southerly (measured along said Easterly line) from its point of intersection with the Southerly line of Quincy Avenue, S.E.; thence Southerly along the Easterly line of East 89th Street, 48 feet; thence Easterly, on a line parallel with said Southerly line of Quincy Avenue, S.E., 130 feet to the Westerly line of land conveyed to the City of Cleveland by deed dated July 21, 1890 and recorded in Volume 477, Page 185 of Cuyahoga County Records; thence Northerly along said Westerly line of land so conveyed to the City of Cleveland 48 feet; thence Westerly on a line parallel with said Southerly line of Quincy Avenue S.E., 130 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 69. 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 70. 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 71. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 72. 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 June 10, 1996.
Effective June 12, 1996.

Ord. No. 527-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract

with Malinda Rivers, or her designee, to provide economic development assistance to partially finance the acquisition of two buildings, machinery and equipment at 12333-12335 St. Clair Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Malinda Rivers, or her designee, to provide economic development assistance to partially finance the acquisition of two buildings, machinery and equipment at 12333-12335 St. Clair Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 527-96-A.

Section 3. That the costs of said contract shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 22422.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 536-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2329 East 37th Street to Central Nehemiah Development Partnership.

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. 103-30-120, as more fully described in Section 2 below, to Central Nehemiah Development Partnership.

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

P.P. No. 103-30-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 34, 35 and the Southerly one-half of Sublot No. 36 in Stedman and Barker's Allotment of part of Original Ten Acre Lot Nos. 42 and 43, as shown by the recorded plat in Volume 2 of Maps, Page 5 of Cuyahoga County Records, and together forming a parcel of land 125 feet front on the Easterly side of East 37th Street (formerly Forest Street) and extending back of equal width 226 feet, 3 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 537-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2215 East 36 Street to Greater Cleveland Habitat for Humanity, Incorporated.

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. 103-22-052, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity, Incorporated.

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

P.P. No. 103-22-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in H.P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2, Page 30 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 36th Street, (formerly Hayward Street), and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 538-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Jurist & Bock Properties, or its designee, to provide economic development assistance to partially finance the acquisition of property at 3700 Prospect Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Jurist & Bock Properties, or its designee, to provide economic development assistance to partially finance the acquisition of property at 3700 Prospect Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 538-96-A.

Section 3. That the costs of said contract shall not exceed Ninety Four Thousand Four Hundred Dollars (\$94,400), and shall be paid from Fund No. 18 SF 001, Request No. 22255.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 539-96.

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

An emergency ordinance to amend Section 6 of Ordinance No. 200-88, passed February 1, 1988, as amended by Ordinance No. 1266-89, passed May 1, 1989, relating to the deposit and expenditure of rent payments for the East Side Market.

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 6 of Ordinance No. 200-88, passed February 1, 1988, as amended by Ordinance No. 1266-89, passed May 1, 1989, is hereby amended to read as follows:

Section 6. That rent payments received pursuant to the terms of the Lease shall be deposited in Fund Nos. 10 SF 050, 10 SF 051 and 68 SF 001 and shall be used to pay the HUD 108 Note referred to in Section 8 herein and be used to pay the cost of maintenance and capital improvements to the market place, which maintenance and capital improvement expenditures are more fully described in the Lease.

Section 2. That existing Section 6 of Ordinance No. 200-88, passed February 1, 1988, as amended by Ordinance No. 1266-89, passed May 1, 1989, is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 546-96.

By Councilmen Patton, Jackson, Rybka and Rokakis.

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Durham-Phelps Properties, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of a commercial building located at 15000 Miles Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Durham-Phelps Properties, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of a commercial building located at 15000 Miles Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 546-96-A.

Section 3. That the costs of said contract shall not exceed Ninety-Five Thousand Dollars (\$95,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 22419.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 549-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Brentwood Limousine, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of a commercial building located at 1530 East 19th Street, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Brentwood Limousine, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of a commercial building located at 1530 East 19th Street, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 549-96-A.

Section 3. That the costs of said contract shall not exceed Forty Thousand Dollars (\$40,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 22421.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the

Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 550-96.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of West 10th Street in the Historic Warehouse District, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

Whereas, Section 3735.65 et seq., of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located on West 10th Street in the Historic Warehouse District is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at West 10th Street in the Historic Warehouse District and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 550-96-A, it is hereby found and determined that the area located on West 10th Street in the Historic Warehouse

District (Permanent Parcel No. 101-14-028) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code.

Section 3. That the development of six townhouses on West 10th Street in the Historic Warehouse District, in the Community Reinvestment Area set forth in Section 1 is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Redevelopment for the City of Cleveland for a period of fifteen (15) years for 75% of the assessed taxes for the construction activities described above.

Section 4. That the Commissioner of Redevelopment for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 *et seq.* of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code and this ordinance.

Section 5. That to the extent that

the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 552-96.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 337.031; to amend said Codified Ordinances by amending Sections 325.59, 335.01 and 335.04, as amended by various ordinances; and to repeal Section 309.25, as amended by Ordinance No. 86-85, passed February 25, 1985, all relating to town houses.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 337.031 thereof, to read as follows:

Section 337.031 Townhouse (RA) Districts

(a) **Purpose.** Townhouse Districts (i.e., Residential Attached districts) are established to provide sites for low-rise development of attached residential units at medium to high densities. Such developments are intended to serve as a transition between areas of detached residences and areas of higher intensity development or to serve as a means of clustering housing units on sites which can be developed most appropriately through such clustering.

(b) **Definitions.** A "townhouse unit" is a single dwelling unit, situated at ground level, served by its own exclusive exterior entrance, and attached to one or more other such units by fire walls or fire separation walls. A "townhouse building" is a building composed of two or more townhouse units. The terms "townhouse" and "row house" shall have the same meaning unless otherwise indicated.

(c) **Permitted Uses.** In a Townhouse District, permitted uses are limited to townhouse buildings and all main and accessory uses permitted and as regulated in Two-Family Districts. However, notwithstanding the provisions of Section 355.05 regarding existing lots of record, lots established for development of attached residences shall not be developed or redeveloped for detached residences unless such lots meet all prevailing regulations applicable to the development of detached residences.

(d) **Ownership.** Townhouse units may be in condominium ownership, where two or more units are located on a single lot, or in a type of ownership where each unit is located on a separate lot. Each townhouse development shall conform to the regulations applicable to its form of ownership.

(e) **District Establishment.** The following Townhouse Districts are hereby established: RA-1, RA-2, and RA-3 (with the abbreviation "RA" indicating "Residential, Attached" and the numerals indicating that the districts are listed in order of "density," from lowest to highest).

(f) **Site Planning and Design.** No Building Permit shall be issued for the original construction of a townhouse unit or townhouse building without approval of the City Planning Commission, which shall seek to ensure that the development meets the following standards of site planning and architectural design.

(1) **Compatibility.** The development shall be visually compatible with nearby properties with respect to such design elements as scale, height, setback, orientation to existing streets, open spaces, roof lines, architectural style, materials, colors, and proportions of architectural features. Furthermore, the development shall not adversely affect the use of nearby properties with respect to such factors as pedestrian and vehicular access, privacy, safety, and obstructions to light and air.

(2) **Site Layout.** Buildings, structures and landscape features shall be arranged so as to create visual interest, avoid monotony, maximize privacy, conserve natural features, minimize the need for grading, provide for usable areas of common and private open space, facilitate efficient vehicular and pedestrian circulation, and promote security and personal safety.

(3) **Building Design.** Townhouse units shall be designed so as to create visual interest and differentiate individual units through variations in roof lines, wall setbacks and building materials or through use of porches, bay windows, and other projecting elements. Garages shall be placed to the rear of the residential units or, if located in the front of units, shall be designed and placed in a manner which reduces their visual prominence.

(4) **Circulation and Parking.** Circulation and parking shall be designed in a manner which provides proper access for service and safety vehicles, minimizes conflicts between pedestrians and vehicles, minimizes the number of curb cuts onto major streets, avoids placing excessive traffic on local residential streets, avoids unenclosed parking in front yards, and avoids placement of garage doors so close to sidewalks as to impair pedestrian safety.

(g) **Area and Yard Regulations.** The following yard and area regulations shall apply to townhouse developments in RA-1, RA-2, and RA-3 Districts and in other zoning districts which permit townhouse development. All figures are minimum requirements unless otherwise stated. The City Planning Commission may require greater

restrictions as necessary to meet the standards of division (f). For main buildings other than townhouses and for accessory uses and structures, regulations of the Two-Family District shall apply.

	RA-1 District	RA-2 District	RA-3 District
Lot Area per Townhouse Unit (sq. ft.)	1750	1250	550
Lot Width (ft.)	22	18	14
Townhouse Unit Width (ft.)	22	18	14
Townhouse Units per Building (max.)	8	8	not restricted
Townhouse Units per Building (min.) (except that 2-unit bldgs. shall be permitted if at least one bldg. of 3 or more units is included as part of a single development on one more contiguous lots)	3	3	3
Side Street Yard Depth (ft.)	7	5	0
Interior Side Yard Depth (ft.) ¹			
Adjoining 1- or 2-Fam District	15	10	10
Adjoining Other District	7	5	0
Front Yard Depth (ft.)	20	20	0
Rear Yard Depth (ft.)			
Adjoining 1- or 2-Fam District	20	20	20
Adjoining Other District	20	10	0
Distance Between Bldgs. on Same Lot (ft.) ²			
Window Wall to Window Wall	20	20	20
Window Wall to Non-Window Wall	15	12	10
Non-Window Wall to Non-Window Wall	10	7	5
Building Coverage (max.) (% of lot covered by buildings)	60%	70%	100%
Common Open Space (sq. ft. per unit) (applies only to condominium developments)	250	150	0
Private Open Space (sq. ft. per unit) ³	150	100	0
Residential Floor Area (sq. ft. per unit)	950	950	950

¹ does not apply to lot lines separating attached dwellings in a non-condominium townhouse development

² "Window wall" is a building wall with a window opening onto a living space; "non-window wall" is a building wall with no windows opening onto a living space

³ garden, deck, patio, balcony, solarium or similar open space adjacent to the residence, for the private use of the resident household

(h) **Common Open Space.** Common open space required by regulations of this section shall consist of land or a combination of land and water of such condition, size, shape and location as to be usable for active recreation and/or scenic enjoyment by the residents of the townhouse development, as determined by the City Planning Commission. Common open space shall not include driveways, parking areas or structures other than those structures devoted to recreational use. The applicant shall provide, to the Commissioner of Building and Housing, evidence of legally enforceable mechanisms to ensure perpetual preservation of such land as common open space and to ensure proper maintenance.

(i) **Easements for Zero Lot Line Buildings.** Where the City Planning Commission determines that provision of an easement is necessary to ensure proper access, light and air to a building placed directly on a lot line, the Commission may require provision of such easement as a condition of the issuance of a Building Permit for construction of the zero-lot-line building. The easement shall be shown on the recorded plat and incorporated into each deed transferring title to the property.

(j) **Variations from Area and Yard Regulations.** The Board of Zoning Appeals may approve variations from area and yard regulations applicable to townhouse developments if the Board determines that such variations are necessary to achieve an appropriate development of the site and that such variations will not result in safety or health hazards and will not be injurious to the use or value of nearby properties. In making such a determination, the Board shall consider a recommendation made by the City Planning Commission on the basis of the site

plan and design review conducted in accordance with the provisions of division (f) of this section.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 325.59, as amended by Ordinance No. 845-62, passed April 27, 1964,

Section 335.01, as amended by Ordinance No. 1501-72, passed April 9, 1973, and

Section 335.04, as amended by Ordinance No. 724-88, passed October 31, 1988 are hereby amended to read, respectively, as follows:

Section 325.59 Row House

"Row House" has the same meaning as "townhouse unit" as defined in division (b) of Section 337.031.

Section 335.01 Designation of Use Districts

The City is hereby divided into the Public Land Protective District and into fifteen use districts which shall be known, in order of restrictiveness, beginning with the most restrictive as:

- Limited One-Family Districts
- One-Family Districts
- Two-Family Districts
- Townhouse (RA) Districts
- Limited Multi-Family Districts
- Multi-Family Districts
- Residence-Office Districts
- Parking Districts
- Local Retail Business Districts
- Shopping Center Districts
- University (College) Retail Districts
- General Retail Business Districts
- Residence-Industry Districts
- Semi-Industry Districts
- General Industry Districts
- Unrestricted Industry Districts

Section 335.04 Residence Buildings and Other Main Buildings in Residence Districts

(a) Except as provided in Sections 335.05 to 335.07, in any use district, no residence building shall hereafter be erected, established or altered except in conformity with the limitations and requirements specified in the following table.

(b) In a Residence District, no main building, irrespective of occupancy classification, shall hereafter be erected, established or altered except in conformity with the maximum gross floor area limitation specified in the following table:

AREA REGULATIONS FOR RESIDENCE BUILDINGS IN ALL USE DISTRICTS AND FOR ALL MAIN BUILDINGS IN RESIDENCE DISTRICTS

Area District	Maximum Gross Floor Area	Minimum Lot Width (feet)		Minimum Lot Area (square feet)				Minimum Floor Area per Primary Residential Building (square feet)
	Any Dwelling and Any Main Building in Residence District	One Family Dwelling	Two Family Dwelling	One Family Dwelling	Two Family Dwelling	Row House: per Dwelling Unit	Class A Multiple Dwelling per Dwelling Unit	
AA	1/2 lot area	60	—	7200	—	—	—	1400
A	1/2 lot area	50	—	4800	—	—	—	1250
B	1/2 lot area	40	50	4800	6000	2400	2400	950
C	1/2 lot area***	40	50	4800	6000	2400	—	950
D	lot area***	40	50	4800	6000	2100	—	950
E	1 1/2 lot area***	40	50	4800	6000	2100	—	950
F	2 lot area***	40	50	4800	6000	2100	—	950
G	3 lot area***	40	50	4800	6000	2100	—	950
H	4 lot area***	40	50	4800	6000	2100	—	950
J	5 lot area***	40	50	4800	6000	2100	—	950
K	6 lot area***	40	50	4800	6000	2100	—	950

*** Shall not apply to Class B Multiple Dwellings erected, established or altered in the Central Business District defined in Section 325.12.

*** Shall not apply to alterations made to an existing building in a Residence district nor to an existing residence building in another use district, which building exceeds the maximum gross floor area limitation, provided the gross floor area of such existing building is not increased.

Section 3. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 309.25, as amended by Ordinance No. 86-85, passed February 25, 1985,

Section 325.59, as amended by Ordinance No. 845-62, passed April 27, 1964,

Section 335.01, as amended by Ordinance No. 1501-72, passed April 9, 1973, and

Section 335.04, as amended by Ordinance No. 724-88, passed October 31, 1988 are hereby repealed.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 553-96.
By Councilmen Smith, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance establishing a Community Reinvestment Area in the area of 1900 West 25th Street, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at 1900 West 25th Street is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at the 1900 West 25th Street and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore, Be it ordained by the Council of the City of Cleveland:

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 553-96-A, it is hereby found and determined that the area located at 1900 West 25th Street (Permanent Parcel No. 003-38-017) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code.

Section 3. That the construction of approximately 21 residential units at 1900 West 25th Street, known as the Merrell Building, in the Community Reinvestment Area set forth in Section 1 is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Redevelopment for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

Section 4. That the Commissioner of Redevelopment for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance.

Section 5. That to the extent that the findings and the exemptions

from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 557-A-96.
(As a substitute for Ord. No. 557-96).

By Councilman Smith.
An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at 1448 Dexter Place. (Map Change No. 1901, Sheet No. 1)

Whereas, van Dijk, Pace, Westlake & Partners has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located at 1448 Dexter Place and construction of a PUD project to be known as the "Dexter Row Townhouse Development" on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the Council of the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; now, therefore

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

Section 1. That the area outlined on the site plan and described in the following legal description and known as 1448 Dexter Place is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 367, 369, 371, 372 and 373 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots 51, 52, 69 and 70 as shown by the recorded plat in Volume 11, Page 26 of Cuyahoga County Map Records and being further bounded and described as follows:

Beginning at the easterly line of West 29th Street, (66.00 feet wide) at its intersection with the southwesterly line of Dexter Place (50.00 feet wide);

Thence South 46 degrees, 14 minutes, 11 seconds East along the southwesterly line of Dexter Place, 40.00 feet to the principal place of beginning;

Thence South 46 degrees, 14 minutes, 11 seconds East continuing along the southwesterly line of Dexter Place, 248.43 feet to a point;

Thence South 43 degrees, 47 minutes, 32 seconds West, 45.00 feet to a point;

Thence North 46 degrees, 14 minutes, 11 seconds West, 246.04 feet to a point on the easterly line of West 29th Street;

Thence North 00 degrees, 29 minutes, 30 seconds East along the easterly line of West 29th Street, 27.47 feet to a point;

Thence South 46 degrees, 14 minutes, 11 seconds East, 11.46 feet to a point;

Thence North 43 degrees, 45 minutes, 49 seconds East, 20.00 feet to a point;

Thence South 46 degrees, 14 minutes, 11 seconds East, 5.00 feet to a point;

Thence North 43 degrees, 45 minutes, 49 seconds East, 5.00 feet to a point on the southeasterly right of way of Dexter Place and the place of beginning and containing 0.2622 acres of land as calculated and described by North Coast Engineering & Surveying Co. Inc. in June, 1995, be the same more or less but subject to all legal highways.

Section 2. That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 1901, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and in the office of the City Planning Commission.

Section 3. That the PUD project depicted in the site plan contained in the above mentioned file which has been proposed for the PUD Overlay District created by Section 1, and which is to be known as the "Dexter Row Townhouse Development" is hereby approved.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 10, 1996.

Effective July 20, 1996.

Ord. No. 618-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance to amend Section 2 and 4 of Ordinance No. 82-96, passed April 1, 1996, relating to the Directors of Economic Development and Finance to establish, using Empowerment Zone funds, an Empowerment Zone Debt Service Fund.

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

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

Section 1. That Sections 2 and 4 of Ordinance No. 82-96, passed April 1, 1996, are hereby amended to read, respectively, as follows:

Section 2. That the Directors of Economic Development and Finance are hereby authorized to fund the Empowerment Zone Debt Service Fund from the Economic Development Initiative Grant for the Empowerment Zone in an amount not to exceed Fourteen Million Dollars (\$14,000,000), the monies to be paid into Fund No. 18 SF 003. (RL 22401).

Section 4. That the Director of Economic Development is hereby

authorized to make debt service payments to the U.S. Department of HUD for any Section 108 Loan awarded as part of the City's Supplemental Empowerment Zone and found by the Director of Economic Development to be in default and/or arrears, pursuant to 24 C.F.R. 470, subpart M. The Director of Economic Development shall provide the Chairman of the Council Committee on Community and Economic Development a written notice at least ten (10) days prior to any disbursements from said Fund. The required notice shall include a brief summary of the plan to eliminate the default and/or arrearage, and shall explain in detail the amount to be disbursed to HUD; the §108 loans/grants involved; the identity of the borrowers/developers; the remaining status of the §108 loans/grants and their corresponding projects; and any other information that may be deemed relevant by the Director.

Section 2. That existing Sections 2 and 4 of Ordinance No. 82-96, passed April 1, 1996, are hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 626-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with J.C. Hub Manufacturing Co., or its designee, to provide economic development assistance to partially finance moving expenses, and the acquisition and renovation of real property located at 4101 West 150th Street, Cleveland, Ohio.

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 hereby authorized to enter into a contract with J.C. Hub Manufacturing Co., or its designee, to provide economic development assistance to partially finance moving expenses, and the acquisition and renovation of real property located at 4101 West 150th Street, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 626-96-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Forty Thousand Dollars (\$240,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 22407.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 627-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain and replace interior plants and landscape exterior sites, for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to maintain and replace interior plants and landscape exterior sites in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any

combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20841)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 628-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing a salt storage building and associated appurtenances at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a salt storage building and associated appurtenances, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 106, 60 SF 210, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 20833.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 629-96.

By Councilmen Miller and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants or one or more firms of consultants to provide professional services to perform various studies, analysis reports and services related to the operation of the airports and the harbor for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to employ by contract 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 perform, design services, financial advisory services, personnel services, risk management studies, air services studies and various other studies, analysis, reports, and services related to the operation of the airports and the harbor for the various divisions of the Department of Port Control.

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

Section 2. That the contract or contracts authorized herein shall be awarded not later than December 31, 1997.

Section 3. That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001,

60 SF 101, 60 SF 102, 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 20843.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 635-96.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Lease By Way of Concession with the Playhouse Square Foundation certain property in the Cleveland Theatre District for a term not to exceed twenty-five years with an option to renew for two additional ten year terms.

Whereas, the Playhouse Square Foundation has submitted a proposal to the City whereby it would lease certain property located in the Cleveland Theater District at Huron Road and East 14th Street for the purpose of constructing, operating, and maintaining a public plaza, including a concession stand; and

Whereas, the property rights are not needed for public use by the City during the proposed term of the lease; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease by way of concession ("lease") to the Playhouse Square Foundation ("PSF") certain property which is determined to be suitable for operation by the lessee for the public purpose of building, operating, and maintaining a public plaza, including a concession stand in the Cleveland Theater District for the term of the lease and which is described as follows:

PLAYHOUSE SQUARE

LEASE PARCEL

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Numbers 160 and 161, being a parcel of land bounded and described as follows:

Beginning in the Northwesterly line of Huron Road S.E., 99 feet wide, at its intersection with the southerly line of Euclid Avenue, 99 feet wide;

Course No. 1: Thence South 55° 39' 46" West, along the Northwesterly line of Huron Road S.E., 46.50 feet to its intersection with the Easterly line of Huron Road S.E. as proposed to be relocated;

Course No. 2: Thence North 10° 24' 24" West, along said proposed Easterly line of Huron Road S.E., 18.86 feet to its intersection with said Southerly line of Euclid Avenue;

Course No. 3: Thence North 79° 35' 31" East along the Southerly line of Euclid Avenue, 42.50 feet to the place of beginning, containing 401 square feet of land, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made on March 22, 1996, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by Section 1 shall not exceed twenty-five (25) years, with two (2) options exercisable by the Director of Parks, Recreation and Properties, to renew for two (2) additional ten (10) year terms, and cancellable upon thirty (30) days' written notice by said Director.

Section 3. That the lease shall be assignable by the Lessee with the consent of the Director of Parks, Recreation and Properties to the Cleveland Theatre District Development Corporation (the "CTDDC") a special improvement district ("SID") organization.

Section 4. That the property described in Section 1 shall be leased at a rental of One Dollar (\$1.00) per year plus applicable taxes and assessments, if any.

Section 5. That the lease may authorize the lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials, and shall provide that Council shall be notified prior to termination of the lease.

Section 6. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 7. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 8. That the lease agreement as well as any other documents which are necessary or appropriate to effectuate the lease authorized by this ordinance, including temporary license agreements needed by PSF, for the construction period, shall be prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties. All documents shall contain such additional terms and conditions as are required to protect the interests of the City.

Section 9. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 648-96

By Councilmen Rybka and Rokakis (by departmental request).

An emergency ordinance to amend Section 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, relating to signs for retail districts.

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 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, is hereby amended to read as follows:

Section 350.14 Signs for Retail Districts

Signs for uses in University Retail, Local Retail, General Retail and Shopping Center Districts shall be permitted as regulated below:

(a) **Maximum Sign Face Area (Retail).** The maximum sign face area of all permanent building-mounted signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20.) Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof: $(W \times 1/5) + 25 = \text{SQUARE FEET OF SIGNAGE}$.

(b) **Permitted Types, Number, Area and Height (Retail).**

Signs by use and structural type are permitted only in accordance with the regulations presented in the schedule of Permitted Types, Number, Area and Height (Retail). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT
(INDUSTRIAL)**

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	ROOF ²
IDENTIFICATION OR BUSINESS ³	#: 1 per lot ⁴ SF: 50 ¹ Ht: 25'	SF: As regulated by formula		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit HT: permitted building height
DIRECTIONAL & INFORMATION ⁵	#: Minimum necessary as approved by Building Commissioner				
	SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT (Temporary)	#: 2 per lot (total) SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs
SF: Maximum sign area (in square ft.) per side of each sign
Ht.: Maximum height for free-standing signs and roof signs
Sign Area Formula: $(W \times 1.5) + 25 = \text{square feet}$

¹A free-standing identification or business sign may exceed 50 square feet in area by an amount equal to 5 square feet for each 1-foot reduction in height below 25 feet. However, no such sign shall exceed 125 square feet in area.

²Roof signs are permitted only in General and Unrestricted Industrial Districts. The height and placement of roof signs is further regulated in chapter 3113 of the Building Code.

(c) **Location (Retail).** Free-standing signs as permitted for retail uses shall conform with the location regulations presented in the Schedule of Location Regulations (Retail) in addition to the regulations of Section 350.08.

**SCHEDULE OF LOCATION REGULATIONS (RETAIL)
Free-Standing Sign Types**

Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential District Line	25'	25'	5'	5'
Street R.O.W. Line(s)	3'	3'	3'	1'
Side & Rear Lot Lines	5'	5'	5'	5'

(d) **Shopping Centers.** For purposes of this Chapter five (5) or more businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one (1) free-standing identification sign and one (1) wall identification sign in addition to other permitted signs and in accordance with the following regulations:

(1) **Contents.** Each shopping center identification sign shall display only the name of the center and, at the discretion of the shopping center owner, the name of one (1) business located within the center. In the case of an enclosed shopping mall, such free-standing sign may display the names of any business located within the mall and not directly served by an exclusive exterior entrance.

(2) **Size.** The maximum sign face area of a shopping center identification sign shall equal twenty (20) square feet for each 10,000 square feet of gross floor area but shall not exceed 125 square feet. All shopping centers, however, shall be permitted a sign of at least fifty (50) square feet.

(3) **Other Regulations.** All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) **Other Signs.** A lot displaying a shopping center identification sign may display no other free-standing identification or business signs.

(5) **Secondary Frontage.** One (1) additional shopping center identification free-standing sign and one (1) additional shopping center identification wall sign shall be permitted on a secondary street frontage with a vehicular entrance to the shopping center.

(6) **Outlets.** If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e., "out lot"), the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty-five (25) square feet in area and seven (7) feet in height.

(e) **Gasoline Service Stations.** Signs for gasoline service stations shall conform with all regulations of this chapter except for the maximum sign area regulations of division (a) of Section 350.14 and any regulations which directly conflict with the regulations stated below:

(1) **Free-standing Business Sign.** Each station shall be permitted one (1) permanent free-standing business signs, with total sign face area of the panel or panels not exceeding one hundred (100) square feet. Such sign shall be limited to identifying the company name, management, fuel prices, and services offered.

(2) **Signs at Service Islands.** Stations shall be permitted information signs at fuel or other service islands which display information regarding type of service or are necessary in directing or instructing the motorist who has entered the station area. Signs not extending beyond the edges of fuel pumps are permitted and shall not be counted as business identification signs.

(3) **Wall and Canopy Signs.** Each station shall be permitted permanent identifications, business, directional and information signs displayed as wall or canopy signs and not exceeding one hundred (100) square feet in combined area. Non-opaque internally-illuminated canopy surfaces ("fascia") shall be considered as sign panels for purposes of sign area measurement.

(4) **Temporary Signs.** Temporary signs shall be permitted in accordance with the regulations of Section 350.12.

(f) **Drive-Through Restaurants.** For restaurants providing direct service to customers in motor vehicles, one (1) free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurant's menu and related instructions) shall be permitted for each drive-through lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty (40) square feet in area and six (6) feet in height and shall meet setback regulations applicable to free-standing identification signs (as specified in division (c) of this section).

(g) **Regulations for Larger Projecting Signs.** A projecting sign may exceed the otherwise maximum permitted size of twelve (12) square feet and the otherwise maximum permitted projection of four (4) feet from a building wall if such sign meets the following standards:

(1) Such sign shall be set back from the closest interior side lot line and the closest tenant party wall line at least one (1) foot for each one (1) square foot of sign area.

(2) Such sign shall in no case exceed thirty-six (36) square feet in area nor eight (8) feet in projection from the building wall and shall be set back at least two (2) feet from the outer edge of any street curb.

(3) No Building Permit shall be issued for such sign without approval of the City Planning Commission, which shall consider the design quality of the sign and its compatibility with the design character of the subject property and surrounding properties. In addition to considering such general design factors as placement, proportions, color, materials, and consistency with signs to be seen as a series, the City Planning Commission may specifically require use of non-rectangular, custom-shaped panels, exposed neon or reflected lighting, unobtrusive support structures, narrow-profile sign cabinets, or other design features necessary to ensure that a larger projecting sign will enhance the appearance of the building on which it is placed and the district in which it is located.

(4) At least five (5) working days prior to the City Planning Commission meeting at which approval under the regulations of this division will be considered, written notice shall be provided to the City Council member in whose ward the proposed sign is to be located.

(h) **Supplemental Regulations.** Signs in Retail Districts shall also conform to regulations of Section 350.20.

Section 2. That existing Section 350.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 649-96.
By Councilmen Smith, Jackson and Rokakis (by departmental request).

An emergency ordinance to amend Section 6 of Ordinance No. 2122-93, passed November 22, 1993, as amended by Ordinance No. 2154-95, passed December 18, 1995, relating to an off street parking facility at West 26th Street and Market Avenue.

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

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

Section 1. That Section 6 of Ordinance No. 2122-93, passed November 22, 1993, as amended by Ordinance No. 2154-95, passed December 18, 1995, is hereby amended to read as follows:

Section 6. That the costs of said contract shall not exceed Two Hundred and Sixty Thousand Dollars (\$260,000.00) and shall be paid from Fund No. 17 SF 008, and from any future community development block grant funds and UDAG repayment funds which are appropriated to pay the costs of said contract.

Section 2. That existing Section 6 of Ordinance No. 2122-93, passed

November 22, 1993, as amended by Ordinance No. 2154-95, passed December 18, 1995, is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 650-96.
By Councilmen Zone, Miller and
McGuirk (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cox Cable Cleveland Area, Inc., to construct coaxial and fiber optic cables which will encroach into the right-of-way of certain streets in 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 Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to Cox Cable Cleveland Area, Inc., a Delaware Corporation, located at 12221 Plaza Drive, Parma, Ohio 44130; its successors and assigns, for the construction, use and maintenance of Coaxial and Fiber Optic Cables, which will encroach into the public rights-of-way of certain streets in the City of Cleveland along West 130th Street, Bellaire Road, West 134th Street, Harold Avenue, West 140th Street, Viola Avenue, West 143rd Street, Chatfield Avenue, Rocky River Drive, Lorain Avenue, Triskett Road, and West 139th Street at the locations more fully described as follows:

COX CABLE FIBER
OPTIC ROUTE/
CITY OF CLEVELAND

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows:

Beginning at the northwest corner of W. 130th Street and Brookpark Road Pole #30402; thence north on W. 130th on the west side of the street to pole #695105 south of Conrail Bridge; thence to the east side of W. 130th to pole #715130; thence underground north on W. 130th to pole #546679 on the east side of W. 130th continuing north on the east side of W. 130th to pole #538310 at Bellaire Road; thence northwesterly to the southwestern corner of Bellaire and W. 130th; thence west to pole #816921; thence crossing to the north side of Bellaire at pole #EO-22-8; thence west on Bellaire to pole #EO-22-13 at Sherry Avenue; thence northwesterly to the southeast corner of Sherry Avenue and W. 134th St. at pole #524911; thence to the west side of W. 134th St. at pole #14970; thence north on W. 134th to the northwestern corner of Harold Ave. and W. 134th St.; thence west on Harold Ave. on the north side of the street to pole #528700; thence southwest to the southeastern corner of Harold and W. 137th; thence north to pole #530849 at Brookside and Harold Ave.; thence west on Harold on the north side of the street to the northeastern corner of W. 140th St. and Harold at pole #812035; thence north on West 140th St. on the east side of the street to pole #649593; thence north to the west side of W. 140th Street over Interstate 71 north to pole #649794; thence to the east side of W. 140th to pole #647371; thence north on W. 140th Street on the east side of the street to the northeast corner of W. 140th and Viola at pole #319701.

*** - AT THIS POINT THE CABLE**
SPLITS IN
TWO DIRECTIONS:

Continuing north from pole #319701 at the corner of Viola Ave. and W. 140th St. on the east side of W. 140th to pole #806012 at Sacramento Ave. and W. 140th; thence crossing northwesterly to the west side of W. 140th to pole #319394; thence north on W. 140th on the west side of W. 140th across Lorain Rd. and continuing north on W. 140th on the west side of W. 140th; continuing north on W. 140th across the Conrail and RTA tracks alongside the W. 140th St. Bridge to Gramatan Ave. at the southwest corner of Gramatan Ave. and the service road of the west side along W. 140th; thence north on the service road and back onto W. 140th St. at the corner of Cayuga Ct. and W. 140th St. at pole #310301; thence north on W. 140th on the west side of W. 140th to the northwest corner of W. 140th and Triskett Rd. at pole #530501; thence east on Triskett Rd. on the north side of the street to pole #318723 at the northwestern corner of Triskett and W. 139th St.; thence north on W. 139th on the east side of the street to pole #609216 at the northeast corner of W. 139th and the RTA access road; thence east on the RTA access road to pole #313274; thence north along the W. 139th St. rear easement to pole #319028 at the south side of Joslyn Ave. rear easement; thence east along the south side of Joslyn Ave. rear easement to pole #319030 at the RTA access road; thence northeasterly along the RTA access road in the rear easement of Joslyn Ave. to the southwestern corner of Lakewood Hts. Blvd. and RTA access road.

*** - From the previously noted split point at pole #319701** at the northeast corner of W. 140th and Viola Ave. going west on Viola Ave. on the north side of the street to the southwest corner of W. 143rd St. and Viola at pole #531193; thence north on W. 143rd on the west side of the street to pole #549850 at the PPG Industries south entrance road; thence west along PPG Industries south road (which is rear easement of Fairlawn Ave.) to pole #329918; thence southwest on the east side of Conrail tracks to pole #638433; thence across the Conrail tracks to pole #639551 on the west side of the Conrail tracks behind Red Seal Ind. (3835 W. 150th St.); thence southwest along the Conrail tracks and behind Safe-Pro Ind. (3865), Kiffer Inc. (3871), Reserve Inc. (3891), and Cleveland Wood Products (3881) W. 150th St. to pole #659021 at Chatfield Ave.; thence southwest on Chatfield under W. 150th St. on the south side of the street; thence west to pole #316221 on Chatfield Ave.; thence across Chatfield to the north side of the street at W. 151st St.; thence west on the north side of Chatfield to pole at 15300 Chatfield; thence across the street to the south side of Chatfield at pole #308174; thence west on Chatfield on the south side of the street to the southeast corner of Chatfield and Rocky River Dr. (pole #308888); thence north on Rocky River Dr. on the east side of the street to the southeast corner of Lorain Rd. and Rocky River Dr. at pole #643854; thence west on Lorain

Rd. to pole #205959 at Riveredge and Lorain Rd.; thence underground northwesterly across Lorain Rd. Bridge to Fairview Park.

Section 2. That said Coaxial and Fiber Optic Cables are to be placed in the public rights-of-way at the locations as aforesaid, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 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 June 10, 1996.
 Effective June 19, 1996.

Ord. No. 703-96.
By Councilmen Jackson and
Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition and rehabilitation of low income housing units. CDBG Year XXII.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland Housing Network, or its designee, for the acquisition and rehabilitation of approximately one hundred and forty (140) units of low income housing.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,400,000.00, and shall be paid from Fund Nos. 13 SF 815 and 13 SF 855, Request No. 22362.

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

Passed June 10, 1996.
 Effective June 19, 1996.

Ord. No. 704-96.
By Councilmen Jackson and
Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program and the CHORE Program. CDBG Year XXII.

Whereas, this ordinance constitutes an emergency measure pro-

viding 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 hereby authorized to expend Community Development Block Grant funds in the amount of Ninety-Eight Thousand Dollars (\$98,000.00), from Fund No. 14 SF 022 Request No. 22365, for the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program, Year XXII.

Section 2. That Director and the Director of Community Development are hereby authorized to memorialize said expenditure through a memorandum of understanding.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 705-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs, CDBG Year XXII.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland, for administrative costs.

Section 2. That the cost of said contract shall be in an amount not to exceed \$480,000.00, and shall be paid from Fund Nos. 14 SF 021 and 14 SF 022, Request No. 22366.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 706-96.

By Councilmen Jackson and Rokakis (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 and 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, CDBG Years, XX, XXI, XXII.

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

Whereas, the Council of the City of Cleveland has approved the Year XXII Community Development Block Grant Plan as set forth in File No. 138-96-A, pursuant to Ordinance No. 138-96, passed March 11, 1996; 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 services agencies, community development or local development corporations and private for profit entities for 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 the operation of programs administered by the Department of Community Development, including all related services, and to enter into contract under those programs.

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 \$6,300,000 and

shall be paid from Fund Nos. 14 SF 020, 14 SF 021 and 14 SF 022.

Section 6. That the Director of Community Development is authorized to accept program income and to deposit that program income in Fund No. 14 to be used as a revolving fund to finance the eligible NDA programs that generated the program income.

Section 7. That the Director of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated the 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 8. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 714-96.

By Councilman Paulenske (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Playhouse Square Foundation to encroach into the public right-of-way of Huron Road S.E. at East 14th Street and Euclid Avenue with a Public Plaza and a Concession Stand.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to The Playhouse Square Foundation, 1501 Euclid Avenue, Suite #810, Cleveland, Ohio 44115; its successors and assigns, for the construction, use and maintenance of a Public Plaza and a Concession Stand, which will encroach into the public right-of-way of Huron Road S.E., and other streets, at the locations more fully described as follows:

**PLAYHOUSE SQUARE
ENCROACHMENT AREA/
PUBLIC PLAZA &
CONCESSION STAND**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and being part of Euclid Avenue, 99 feet wide; Huron Road S.E., 99 feet wide; East 14th Street, 86 feet wide; and part of Huron Road S.E. as proposed to be relocated; and part of Original Two Acre Lots Numbers 160 and 161, together forming an area bounded and described as follows:

Beginning in the Southeasterly line of Huron Road S.E. at its intersection with the Southwesterly line of East 14th Street; COURSE NO. 1: thence South 55°39'46" West along said Southeasterly line of Huron

Road S.E., and its Southwesterly prolongation, 406.66 feet to its intersection with the Northeasterly face of the curb line of East 12th Street; COURSE NO. 2: thence North 34°-19'-14" West along said face of curb line of East 12th Street, 13.06 feet to the point of curvature of the turn-out between said face of the curb line and the Southeasterly face of the curb line of said Huron Road S.E.; COURSE NO. 3: thence Northeasterly along said curved face of the curb line, being along the arc of a circle deflecting to the right an arc distance of 21.18 feet, having a radius of 13.50 feet whose chord bears North 10°-37'-26" East, 19.07 feet to a point of tangency in said Southeasterly face of the curb line of Huron Road S.E.; thence in a generally Northeasterly direction along the face of the curb line of Huron Road S.E. the following courses and distances; COURSE NO. 4: thence North 55°-34'-05" East, 44.47 feet to a point of curvature therein; COURSE NO. 5: thence Northeasterly along the arc of a circle deflecting to the left an arc distance of 12.85 feet, having a radius of 55.50 feet whose chord bears North 48°-56'-03" East, 12.82 feet to a point of compound curvature therein; COURSE NO. 6: thence continuing Northeasterly along the arc of a circle deflecting to the left an arc distance of 28.60 feet, having a radius of 600.00 feet whose chord bears North 40°-56'-06" East, 28.59 feet to a point of compound curvature therein; COURSE NO. 7: thence continuing Northeasterly along the arc of a circle deflecting to the left an arc distance of 26.07 feet, having a radius of 76.00 feet whose chord bears North 29°-44'-31" East, 25.94 feet to a point of compound curvature therein; COURSE NO. 8: thence continuing Northerly along the arc of a circle deflecting to the left an arc distance of 29.33 feet, having a radius of 170.00 feet whose chord bears North 14°-58'-20" East, 29.29 feet to a point of compound curvature therein; COURSE NO. 9: thence continuing Northerly along the arc of a circle deflecting to the left an arc distance of 37.93 feet, having a radius of 115.00 feet whose chord bears North 0°-34'-50" East, 37.76 feet to a point of tangency therein; COURSE NO. 10: thence North 8°-52'-09" West, 22.61 feet to a point of curvature therein; COURSE NO. 11: thence continuing Northeasterly along the arc of a circle deflecting to the right an arc distance of 39.65 feet, having a radius of 29.38 feet whose chord bears North 29°-47'-28" East, 36.71 feet to a point of tangency therein; COURSE NO. 12: thence North 68°-27'-00" East, 1.26 feet to its intersection with the Southerly face of the curb line of Euclid Avenue; COURSE NO. 13: thence North 79°-35'-31" East along said Southerly face of the curb line of Euclid Avenue, 170.95 feet to a point of curvature therein; COURSE NO. 14: thence Easterly continuing along the curved Southerly face of the curb line of Euclid Avenue, being along the arc of a circle deflecting to the right an arc distance of 51.26 feet, having a radius of 128.64 feet whose chord bears South 88°-59'-32" East, 50.92 feet to a point of compound curvature therein; COURSE NO. 15: thence Southeasterly continuing along the curved Southeasterly face of the curb line of Euclid Avenue, being along the arc of a circle deflecting to the right an arc distance of 20.46 feet, having a radius of 54.76 feet

whose chord bears South 66°-52'-18" East, 20.34 feet to a point of compound curvature therein; COURSE NO. 16: thence continuing Southeasterly along the curved Southwesterly face of curb line of East 14th Street, being the arc of a circle deflecting to the right an arc distance of 6.66 feet, having a radius of 17.50 feet whose chord bears South 45°-15'-31" East, 6.62 feet to a point of tangency therein; COURSE NO. 17: thence South 34°-21'-06" East continuing along the Southwesterly face of the curb line of East 14th Street, 10.50 feet to its intersection with the Northeasterly prolongation of the Southeasterly line of said Huron Road S.E.; COURSE NO. 18: thence South 55°-39'-46" West along said Northeasterly prolongation of the Southeasterly line of said Huron Road S.E., 12.82 feet to the place of beginning, excepting from the above described area the "Playhouse Square Lease Parcel" according to a survey by Garrett and Associates, Inc. Registered Engineers and Surveyors, made on March 22, 1996, be the same more or less.

Section 2. That this is a Public Plaza with a Permanent Concession Stand; and,

That the Concession Stand will be open for free sale to the general public of their wares during the entire calendar year, rather than on a seasonal operation basis; and,

That The Playhouse Square Foundation (as Permittee) along with the Concession Stand and Plaza (operators and/or owners as Assignee of the Permittee), assumes full responsibility for maintaining the high standards required by the City of Cleveland for clean-ups of said Concession Stand and Plaza Area during their operation at Special Events, as well as all other times during the calendar year; and,

That the Concession Stand's sales are for foods, and the limited sale of beer and wine; as this legislation does not give any permission to that effect, but hereby states that it is the responsibility of the Permittee to secure appropriate licenses for all of the aforesaid, which must be obtained through the other City of Cleveland Departments' whose jurisdiction is the responsibility thereof; and,

That the City of Cleveland reserves the right to approve or disapprove any further encroachment(s) by Sidewalk Cafe(s) with appurtenances thereto belonging in said Plaza Area; and states that no permission is granted herein for said Concession Stand and Public Plaza; and,

That any "Public Art" must be reviewed and also approved as appropriate for public display by the Directors of Service; Parks, Recreation and Properties; and the Mayor's Streetscape Committee, and

That The City further requires that any revenue developed from the Park Property Area shall also be used for the maintenance of the Public Plaza and Concession Stand Property Area.

Section 3. That said Plaza and Concession Stand shall be placed in the public right-of-way at the locations as aforesaid in Section 1, supra; and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the

Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 10, 1996.
Effective June 19, 1996.

**Ord. No. 716-96.
By Councilmen Polensek and Rokakis (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with North American Morpho Systems, Inc. for the lease of an Automated Fingerprint System (AFIS) 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 it is hereby determined that the within goods and services are non-competitive and cannot be secured from any source other than North American Morpho Systems, Inc. Therefore, the Director of Public Safety is hereby authorized to make a written contract with North American Morpho Systems, Inc. for the lease and maintenance of an Automated Fingerprint System ("AFIS") for a period not exceeding five years, with the option to purchase the system at any time during the term. The lease shall be prepared by the Director of Law on the general basis of the proposal of the vendor dated November 13, 1996, and shall contain such provisions as are necessary, in the opinion of the Directors of Public Safety and Law, to protect the interests of the City.

Section 2. That the Safety Director is hereby encouraged to consult with local and regional law enforcement officials, including but not limited to the Sheriff of Cuyahoga County, the Cuyahoga County Police Chiefs' Association, and appropriate representatives of neighboring counties, to explore sharing the resources and costs of this program.

Section 3. The cost of said contract shall be charged against Fund 10 SF 006. (RL 20033)

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 718-96.
By Councilmen White, Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contract with Union-Miles Development Corp. for the implementation of the Lead-based Paint Abatement on Low and Moderate Income Private Housing Program.

Whereas, pursuant to Ordinance No. 909-93, Council authorized the Director of Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development ("HUD") to conduct the Lead-based Paint Abatement on Low and Moderate Income Private Housing Program; and

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into contract with Union-Miles Development Corp. for professional services necessary to implement said program by managing the provision of low level lead abatement services in not to exceed one hundred (100) residences in the Miles Park Statistical Planning Area, in accordance with the terms of the HUD grant. Said contract shall be prepared by the Director of Law and shall provide for compensation in an amount not to exceed \$408,000, payable from Fund No. 13 SF 360, for the Division of Environment, Department of Public Health.

Section 2. That the Director of Public Health is hereby authorized and directed to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: low level lead hazard abatement, including soil remediation, in not to exceed one hundred (100) residences in the Miles Park Statistical Planning Area, to be purchased by the Commissioner of Purchases and Supplies for the Division of Environment, Department of Public Health. Notwithstanding and as exception to Chapter 181 of the Codified Ordinances of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby authorized to procure the low level lead hazard abatements to be purchased hereunder using competitive procedures alternative to formal competitive bidding, but in all cases for the best price obtainable in the market, provided that the cost of such abatements shall not exceed \$10,000 each, and further provided that the approval of the Director of Finance is first obtained.

Section 3. That the cost of the lead hazard abatement contracts authorized under Section 2 hereof shall be paid from Fund No. 13 SF 360.

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 June 10, 1996.
 Effective June 19, 1996.

Ord. No. 756-96.
By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of tire repair road service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of tire repair road service in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21044)

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

Passed June 10, 1996.
 Effective June 19, 1996.

Ord. No. 757-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Cleveland Recycling Center, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment and to relocate their facility to East 131st Street, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Cleveland Recycling Center, or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment and to relocate their facility to 300 East 131st Street from 3939 Payne Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 757-96-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Thousand Dollars Dollars (\$200,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 22411.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
 Effective June 19, 1996.

Ord. No. 758-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Triad Partners Limited, or its designee, to provide economic development assistance to partially finance the acquisition and construction of a corporate headquarters for Federal Graphics, Inc., Cleveland, Ohio.

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 hereby

authorized to enter into a contract with Triad Partners Limited, or its designee, to provide economic development assistance to partially finance the acquisition and construction of a corporate headquarters for Federal Graphics, Inc., located at 4640 State Road, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 758-96-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Five Thousand Dollars (\$205,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 22410.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as maybe appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 759-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of various electrical supplies, materials, and equipment, including installation, if necessary, at various City facilities, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three 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 Parks, Recreation and Properties, is hereby authorized and directed to make a written requirement contract in accordance with the Char-

ter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years for the necessary items of various electrical supplies, materials, and equipment, including installation, if necessary, at various City facilities in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire three years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20317)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 760-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

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 hereby authorized to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours in accordance with the recommendations and pilot program proposed by the schools as Neighborhood Resources Committee of the Cleveland Summit on Education, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), payable from Fund No. 01-70-04-0380, Request No. 21400.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 761-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of graffiti removal services, including but not limited to city buildings, monuments, parks and playground equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three 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 Parks, Recreation and Properties, is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years for the necessary items of graffiti removal services, including applying paint, asphalt sealer, and other coatings, preventers, removers and other necessary items for City properties, including but not limited to buildings, monuments, parks and playground equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire three years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20316)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 810-96.
By Councilmen Britt, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2305-09 East 87th Street and 2292 East 87th Street to Fairfax Bicentennial Village Development, 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 Nos. 119-32-111 and 119-32-130, as more fully described in Section 2 below, to Fairfax Bicentennial Village Development, Ltd.

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. 119-32-111

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. 408 and bounded and described as follows:

Beginning at the Southwest corner of Sublot No. 34 in White and White's Subdivision, as shown by the recorded plat in Volume 11 of Maps, Page 40 of Cuyahoga County Records, which is also the Southeast corner of land conveyed by Gordon Gray and wife, to Benton T. Webber by deed dated September 12, 1887, and recorded in Volume 419, Page 95 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to Benton T. Webber about 165 feet to the Easterly line or East 87th Street thence Northerly along said Easterly line, 40 feet to the Southwesterly corner of land conveyed to Marie Pfister, (single) to Fred Hampy by deed dated May 22, 1893, and recorded in Volume 549, Page 139 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Fred Hampy about 165 feet to the Westerly line of White and White's Subdivision; thence Southerly along said Westerly line of White and White's Subdivision 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 119-32-130

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. 408 described as follows:

Beginning at a point in the center line of East 87th Street (formerly Vienna Street) 1403 feet Southerly measured along said center line from its intersection with the Southerly line of Cedar Avenue, S.E., thence Westerly at right angles 25 feet to the Westerly line of East 87th Street, and the principal place of beginning; thence Westerly at right angles to the Westerly line of East 87th Street 149.35 feet; thence Southerly parallel with the Westerly line of East 87th Street, 40 feet; thence Easterly and parallel with the first described course 149.35 feet to the Westerly line of East 87th Street; thence Northerly along the Westerly line of East 87th Street 40 feet to the principal place of beginning and being further known as Sublot No. 30 in Whitaker and Herboughs proposed Allotment of part of Original One Hundred Acre Lot No. 408, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 812-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of cold mix 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of cold mix material in the approximate amount as purchased during the preceding year, to be purchased

by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21312)

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 814-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Nolasco Housing Corporation, or its designee, to provide financial assistance in the form of a Community Development Float Loan to partially finance the construction of a new housing development.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into a Community Development Float Loan Agreement with Nolasco Housing Corporation, or its designee, to provide financial assistance in the amount of \$425,000 to partially finance the construction of a new housing development located on West 69th Street and Father Caruso Drive.

Section 2. That the terms of said loan shall be determined by the Director of Community Development in accordance with applicable federal regulations, State and local law, and they are hereby authorized to amend said terms, from time to time, as they deem necessary to remain consistent with said laws and regulations.

Section 3. That the costs of said contract shall be paid from Fund No. 14 SF 810, Request No. 22367.

Section 4. That the Director of Community Development is hereby authorized to accept collateral as he shall deem adequate in order to secure repayment of said loan. Any and all security agreements or other agreements shall be prepared and approved by the Director of Law.

Section 5. That the Director of

Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 14 SF 810.

Section 6. That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 816-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide architectural services to design and inspect cladding for west and south concourses and old tower exteriors at Cleveland Hopkins International Airport.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to employ by contract one or more architects, or one or more firms of architects for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design and inspect cladding for west and south concourse, and old tower exteriors at Cleveland Hopkins International Airport.

The sections of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 210, and from any funds or subfunds to which are credited any federal grants or federal PRC authorization, for the above project and the proceeds from the sale of any air-

port revenue bonds issued for a purpose which includes the above project, Request No. 20847.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 817-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance determining the method of making the public improvement of renovating tenant facilities at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of renovating tenant facilities at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 20848.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 818-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by

requirement contract of asphalt concrete and tack coat, including labor costs for delivery, spreading and compacting, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of asphalt concrete and tack coat, including labor costs for delivery, spreading and compacting in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20851)

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 819-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to upgrade the automated computer energy system, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all

of the following items: labor and materials necessary to upgrade the automated computer energy system at Cleveland Hopkins International Airport, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106 and 60 SF 210, Request No. 20849.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 820-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of de-icing agents and materials, for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of de-icing agents and materials in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20855)

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 828-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1996 State Childhood Lead Poisoning Prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for a grant in the estimated amount of \$150,000, from the State of Ohio, Department of Health, to conduct the 1996 State Childhood Lead Poisoning Prevention Program.

Section 2. That the Director of Public Health is hereby authorized to accept said grant in the estimated amount of \$150,000 for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 3. That the application for said grant, File No. 828-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 829-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with various community-based organizations for implementation of the 1996 Community Lead Exposure Prevention Project for the Division of Environment, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into contract with Glenville Development Corp., Hough Area Partners in Progress, Inc., and Fairfax Renaissance Development Corp. for professional services necessary to implement the

1996 Community Lead Exposure Prevention Project, including promoting lead screening of children, providing outreach education and technical assistance, and conducting limited risk assessments in their respective service areas. Said contracts shall provide for compensation in amounts not to exceed \$19,137, \$14,607, and \$7,300, respectively and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Ordinance No. 909-93, passed October 18, 1993, for the Division of Environment, Department of Public Health.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 830-96.
By Councilman Rokakis.
An emergency ordinance authorizing and directing the Director of Finance to enter into a requirement contract or contracts without competitive bidding with Ameritech Ohio for the purchase of Centrex service for the various departments of the City.

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

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

Section 1. That it is hereby determined that the within service is noncompetitive and cannot be secured from any source other than Ameritech Ohio. Therefore, the Director of Finance is hereby authorized and directed to make a written requirement contract or contracts for the period of up to three years with said company for Centrex service for the various departments of the City of Cleveland to be purchased by the Commissioner of Purchases and Supplies upon a unit basis.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22748)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 831-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 155-96, passed March 4, 1996, relating to a license agreement without competitive bidding with International Business Machines Corporation for computer software, for the Division of Information Systems Services, Department of Finance.

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

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

Section 1. That Section 1 of Ordinance No. 155-96, passed March 4, 1996, is hereby amended to read as follows:

Section 1. That it is hereby determined that the within products are non-competitive and cannot be obtained from any source other than International Business Machines Corporation. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said International Business Machines Corporation on the basis of its January 16, 1996 proposal, for the license of the computer software known as MVS/370, for a one (1) year term commencing January 1, 1996 and expiring December 31, 1996, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That existing Section 1 of Ordinance No. 155-96, passed March 4, 1996, is hereby repealed.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 833-96.
By Councilmen Willis, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for the development of new housing at East 120th Street and Moulton Avenue, for the Division of Neighborhood Development, Department of Community Development.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby autho-

riized to purchase the following described property for the purpose of the development of new housing:

1409 EAST 120TH STREET
 and
 12204 MOULTON AVENUE
 PPN: 120-11-001

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. 388, and bounded and described as follows: Beginning on the Easterly line of East 120th Street (formerly Oakland Street) at a point 347-7/100 feet Northerly from its point of intersection with the southerly line of land conveyed by Henry L. Aumick and others, to Lyman B. Beers by deed dated September 7, 1875, and recorded in Volume 251, Page 184 of Cuyahoga County Records;

Thence North 89° 50' East 130 feet;

Thence Northerly parallel with said Easterly line of East 120th Street, 45 feet to the southerly line of Moulton Avenue, N.E., (formerly Moulton Street);

Thence Westerly along the Southerly line of Moulton Avenue, N.E., 130 feet to the Easterly line of East 120th Street;

Thence Southerly along said Easterly line of East 120th Street to the place of beginning, and being further known as Sublot No. 25 in Lyman B. Beers' proposed Subdivision of part of Original One Hundred Acre Lot No. 388, be the same more or less, but subject to all legal highways.

1415-17 EAST 120TH STREET
 PPN: 120-11-003

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. 388, and bounded and described as follows:

Beginning at a point on the Easterly line of East 120th Street (formerly Oakland Avenue), which is 40 feet in width and the Easterly line of said street is 168 feet East of the Westerly line of land in said lot owned by Lyman B. Beers and which beginning point is 267.07 feet North of the South line of said Lyman B. Beers land;

Thence North 89 degrees 59 minutes East of 130 feet;

Thence North parallel with the Easterly line of said East 120th Street, 40 feet

Thence Westerly parallel with the Southerly line of land hereby conveyed 130 feet to the Easterly line of East 120th Street;

Thence South along the Easterly line of said street, 40 feet to the place of beginning and is further described as being Sublot No. 27 in said Lyman B. Beer's proposed allotment of part of said Original Lot No. 388 as per survey made by Jay P. Brown, County Surveyor, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration

to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 021, Request No. 22361.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 859-96.
By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with ACME Express, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of property at 3821 Prospect Avenue and financing the acquisition of equipment, Cleveland, Ohio.

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 hereby authorized to enter into a contract with ACME Express, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of property at 3821 Prospect Avenue, and financing the acquisition of equipment, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 859-96-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Ten Thousand Six Hundred Dollars (\$210,600.00), and shall be paid from Fund No. 18 SF 001, Request No. 22259.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 860-96.
By Councilmen Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to employ one or more professional consultants to provide construction management services for projects funded through HUD Section 108 Loans under the Cleveland Supplemental Empowerment Zone.

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

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

Section 1. That the Director of Economic Development is hereby authorized and directed to employ by contract one or more construction managers or one or more construction management firms, 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 construction management services and supervise construction projects funded through HUD Section 108 Loans under the Cleveland Supplemental Empowerment Zone.

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

Upon selection of a construction management consultant or consultants, the Director of Economic Development shall report to the Council the identity of the consultants, the projects that they will be overseeing, and the cost of the consultant services for each project.

Section 2. That the costs for such services herein contemplated shall not exceed one hundred thousand dollars (\$100,000.00) and shall be paid from Fund No. 18 SF 005, Request No. 22261.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 862-96.
By Councilmen Melena, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the development of townhouses at the northeast corner of Tillman Avenue and West 49th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to the Detroit-Shoreway Community Development Organization, or its designee.

Whereas, the Director of Community Development has requested the purchase of property, which is located at the northeast corner of Tillman Avenue and West 49th Street, for development of sixteen townhouses; and

Whereas, the Director of Community Development has requested the sale of said property to the Detroit-Shoreway Community Development Organization, or its designee, for the public purpose of development of said property; and

Whereas, the Detroit-Shoreway Community Development Organization, or its designee, has submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving redevelopment of said property; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the development of sixteen townhouses:

0.6883 Acres on
Tillman Avenue N.W.
owned by The Board of
Education of the Cleveland
City School District
(Parcel "B")

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 70, 71, 72, 73 and 74 in the S. S. Stones Subdivision, of part of Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Tillman Avenue N.W., 66 feet wide, at its intersection with the Easterly line of West 49th Street, 66 feet wide;

Thence North 0° 28' 08" West, along the Easterly line of West 49th Street, a distance of 139.38 feet to the Northwesterly corner of said Sublot No. 74;

Thence North 70° 39' 12" East, along the Northerly line of said Sublot No. 74, and along the Northerly lines of Sublots Nos. 73, 72, 71 and 70, a distance of 204.71 feet to the Northeasterly corner of said Sublot No. 70;

Thence South 19° 25' 48" East, along the Easterly line of said Sublot No. 70, a distance of 131.88 feet to the Northerly line of Tillman Avenue N.W.;

Thence South 70° 39' 12" West, along the Northerly line of Tillman Avenue N.W., a distance of 250.00

feet to the place of beginning, and containing 0.6883 acres of land, according to a survey by the Henry G. Reitz Engineering Company, by James T. Saylor, Registered Surveyor No. S-7425, dated 3/26/96, be the same more or less, but subject to all legal highways.

All bearings are to an assumed meridian and are used to denote angles only.

Section 2. That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That all costs of acquisition of land shall be paid from Fund No. 14 SF 021.

Section 4. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with the Detroit-Shoreway Community Development Organization, or its designee, for the acquisition, disposition and private redevelopment for the property which is described in Section 1.

Section 5. That this Council finds that the conveyance to the Detroit-Shoreway Community Development Organization, or its designee, constitutes a public use of said property for the purposes of redevelopment.

Section 6. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property herein described in this section to the Detroit-Shoreway Community Development Organization, or its designee, at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance:

Proposed Housing Development
on Tillman Avenue N.W.
and West 49th Street
excluding the Corner Park
(Parcel "C")

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 73, 74, 90 and 91 and part of Sublots Nos. 70, 71, 72, and 89 in the S. S. Stone's Subdivision, of part of Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and part of Herman Avenue N.W., 80 feet wide, as vacated in the Bulkley Boulevard Dedication Plat, as shown by the recorded plat in Volume 130 of Maps, Page 702 - 704 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Tillman Avenue N.W., 66 feet wide, at its intersection with the Easterly line of West 49th Street, 66 feet wide;

Thence North 0° 28' 08" West, along the Easterly line of West 49th Street, a distance of 31.96 feet to the principal place of beginning;

Thence North 0° 28' 08" West,

along the Easterly line of West 49th Street, a distance of 244.82 feet to the Southeastly line of Herman Avenue N.W., 80 feet wide;

Thence North 53° 45' 02" East, along the Southeastly line of Herman Avenue, N.W., a distance of 81.13 feet;

Thence South 29° 03' 28" East, a distance of 74.52 feet;

Thence South 0° 28' 08" East, a distance of 116.83 feet;

Thence North 70° 39' 12" East, a distance of 107.90 feet to the Easterly line of said Sublot No. 70;

Thence South 19° 25' 48" East, along the Easterly line of said Sublot No. 70, a distance of 101.48 feet to the Northerly line of Tillman Avenue N.W.;

Thence South 70° 39' 12" West, along the Northerly line of Tillman Avenue, N.W., a distance of 218.04 feet;

Thence North 34° 54' 28" West, a distance of 37.18 feet to the principal place of beginning, and containing 0.9331 acres of land, according to a survey by the Henry G. Reitz Engineering Company, by James T. Sayler, Registered Surveyor No. S-7425, dated 03/26/96, be the same more or less, but subject to all legal highways.

All bearings are to an assumed meridian and are used to denote angles only.

Section 7. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions (including such 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 8. 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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 863-96.

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

An emergency ordinance to appropriate property for the redevelopment and/or rehabilitation of the blighted premises located at 10700 Helena Avenue, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Resolution No. 561-96, passed March 25, 1996, declared the necessity and intention of appropriating the fee simple property interests of the blighted premises herein described for the elimination of spot blight and for redevelopment and/or rehabilitation of the blighted premises; and

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

Whereas, this ordinance constitutes an emergency measure

required for the immediate preservation of the public health and safety, in that the existing conditions constitute a menace to public property, health and safety; now, therefore,

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 10700 Helena Avenue, Cleveland, Ohio, through acquisition and redevelopment and/or rehabilitation, the following described fee simple interests be and the same hereby are appropriated:

10700 HELENA AVENUE
PPN: 108-29-068

PARCEL 1

Situated in the City of Cleveland, Ohio, County of Cuyahoga and State of Ohio, and known as being Sublot No. 96 in the Linn and Issel Subdivision of part of original One Hundred Acre Lot No. 362, as shown by the recorded plat in Volume 38 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Helena Avenue, N.E. and extending back equal width 105 feet, deep as appears by said plat, be the same more or less, but subject to all legal highways.

PARCEL 2

Situated in the City of Cleveland, Ohio, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in the Linn and Issel Subdivision of part of original One Hundred Acre Lot No. 362, as shown by the recorded plat in Volume 38 of Maps, Page 16 of Cuyahoga County Records and being 101-90/100 feet front on the Southerly side of Helena Avenue N.E., 105 feet deep on the Easterly line, 124-64/100 feet on the Southwesterly line and 34-74/1000 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law be and she hereby is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests in and to the blighted premises herein before described.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 866-96.

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

An emergency ordinance to appropriate property for the redevelopment and/or rehabilitation of the blighted premises located at 1846 West 50th Street, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Resolution No. 560-96, passed March 25, 1996, declared the necessity and intention of appropriating the fee simple property

interests of the blighted premises herein described for the elimination of spot blight and for redevelopment and/or rehabilitation of the blighted premises; and

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

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

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 1846 West 50th Street, Cleveland, Ohio, through acquisition and redevelopment and/or rehabilitation, the following described fee simple interests be and the same hereby are appropriated:

1846 West 50th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly one-half of Sublot No. 323 in Benedict and Root's Subdivision of a part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat of said Subdivision in Volume 1 of Maps, Page 13 of Cuyahoga County Records, said part of Sublot No. 323 has a frontage of 30 feet on the Westerly side of West 50th Street (formerly Birch Street), and extends back of equal width, 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law be and she hereby is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests in and to the blighted premises hereinbefore described.

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

Passed June 10, 1996.

Effective June 19, 1996.

Ord. No. 869-96.

By Councilmen Paulenske, Coats and Rokakis (by departmental request).

An emergency ordinance to levy special assessments for the repairing or improvement of underground vaults encroaching upon the public right-of-way on Old River Road from St. Clair Avenue extending north to Front Street in the City of Cleveland.

Whereas, the Council of the City adopted Resolution No. 1337-94 on July 20, 1994, declaring the necessity of the improvements therein and hereinafter described; and

Whereas, the Council of the City adopted Resolution No. 530-95 on April 10, 1995, adopting the estimated assessments theretofore filed with respect to said improvements; and

Whereas, the Council of the City passed Ordinance No. 519-95 on April 10, 1995, determining to proceed with said improvements; and

Whereas, the actual cost of said improvement has now been ascertained and placed on file in the office of the Clerk of Council in File No. 869-96-A; and

Whereas, the estimated assessments for said improvements heretofore adopted by Resolution No. 1337-94 have been adjusted so that said assessments, as adjusted, are in the same proportion to said estimated assessments as the actual cost of said improvements are to the estimated cost of said improvements; 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 revised assessment of the cost and expense of providing for the repair or otherwise improving underground vaults encroaching upon the public right-of-way on Old River Road from St. Clair Avenue extending north to Front Street in the City of Cleveland, as set forth in Resolution No. 1337-94, adopted on July 20, 1994, and amounting in the aggregate to \$48,736.00, as reported to this Council by the Commissioner of Licenses and Assessments, be and the same is hereby adopted and conformed, and that there be and are hereby levied and assessed upon the lots and lands containing underground vaults encroaching upon the public right-of-way on Old River Road from St. Clair Avenue extending north to Front Street, the several amounts reported as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in ten (10) annual installments, with interest on deferred payments at the rate of 7.0% per annum. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments thereof remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is authorized and directed to keep said adjusted assessments on file in the Clerk's Office for so long as any assessment remains unpaid.

Section 5. That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date

of its passage as required by Section 319.61, Ohio Revised Code.

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 870-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the 1996 NatureWorks - Round 3 Grant; and to enter into contract with the Cleveland Bicentennial Commission 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 Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$408,000, from the Ohio Department of Natural Resources, to conduct the 1996 NatureWorks - Round 3 Grant, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 870-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized to enter into or amend contracts with the Cleveland Bicentennial Commission to implement said program; provided, however, that said contractor shall provide the necessary matching funds in the approximate sum of \$136,000.00.

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 871-96.
By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance to amend Section 2 of Ordinance No. 1140-95, passed July 19, 1995, relating to the purchase by contract of a computer system chassis and necessary components.

Whereas, this ordinance consti-

tutes 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. 1140-95, passed July 19, 1995, is hereby amended to read as follows:

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 13 SF 426, Request No. 20988.

Section 2. That existing Section 2 of Ordinance No. 1140-95, passed July 19, 1995, is hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 873-96.
By Councilmen Paulenske, Coats and Rokakis (by departmental request).

An emergency ordinance to levy special assessments for the repair or improvement of underground vaults encroaching upon the public right-of-way on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in the City of Cleveland.

Whereas, in Resolution No. 1428-93, adopted June 14, 1993, the Council of the City declared it necessary to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in accordance with plans, specifications and profiles in File No. 1428-93-A in the Office of the Clerk of Council, which plans, specifications and profiles the Council approved; and

Whereas, in Ordinance No. 1506-93, passed August 11, 1993, the Council of the City determined to proceed to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in accordance with plans, specifications and profiles and the estimate of cost of improvements approved and filed in the office of the Clerk of Council; and

Whereas, in Resolution No. 451-94, adopted March 7, 1994, the Council of the City amended Resolution No. 1428-93, to modify the plans, specifications and profiles and the estimate of the cost of improvements; and

Whereas, in Resolution No. 882-95, adopted July 19, 1995, the Council of the City amended Resolution No. 1428-93 to modify the plans, specifications and profiles and the estimate of the cost of improvements; and

Whereas, in Resolution No. 1536-93, adopted July 14, 1993, and Resolution No. 569-94, adopted March 28, 1994 adopted the estimated assess-

ments theretofore filed with respect to the improvements; and

Whereas, the actual cost of said improvement has now been ascertained and placed on file in the office of the Clerk of Council in File No. 873-96-A; and

Whereas, the estimated assessments for said improvements heretofore adopted by Resolution No. 1428-93, as amended by Resolution Nos. 451-94, and 882-95, have been adjusted so that said assessments, as adjusted, are in the same proportion to said estimated assessments as the actual cost of said improvements are to the estimated cost of said improvements; 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 revised assessment of the cost and expense of providing for the repair or otherwise improving underground vaults encroaching upon the public right-of-way on Prospect Avenue from E. 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in the City of Cleveland, as set forth in Resolution No. 1428-93, adopted on June 14, 1993, as amended by Resolution No. 451-95, adopted March 7, 1994, and Resolution No. 882-95, adopted July 19, 1995, and amounting in the aggregate to \$743,272.46, as reported to this Council by the Commissioner of Licenses and Assessments, be and the same is hereby adopted and conformed, and that there be and are hereby levied and assessed upon the lots and lands containing underground vaults encroaching upon the public right-of-way on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue, the several amounts reported as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in ten (10) annual installments, with interest on deferred payments at the rate of 6.90% per annum. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments thereof remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is authorized and directed to keep said adjusted assessments on

file in the Clerk's Office for so long as any assessment remains unpaid.

Section 5. That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

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 June 10, 1996.

Effective June 19, 1996.

Ord. No. 874-96.
By Councilmen Paulenske, Coats and Rokakis (by departmental request).

An emergency ordinance to levy special assessments for the repair or improvement of underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street, except for the south side of Prospect Avenue between East 4th Street and East 6th Street, and on Huron Road from approximately 100 feet east of East 6th Street extending east to approximately 200 feet east of East 9th Street in the City of Cleveland.

Whereas, in Resolution No. 1152-93, adopted May 17, 1993, the Council of the City declared it necessary to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street and on Huron Road from East 6th Street extending east to approximately 200 feet east of East 9th Street in accordance with plans, specifications and profiles in File No. 1152-93-A in the Office of the Clerk of Council, which plans, specifications and profiles the Council approved; and

Whereas, in Ordinance No. 1386-93, passed July 14, 1993, the Council of the City determined to proceed to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street and on Huron Road from East 6th Street extending east to approximately 200 feet east of East 9th Street in accordance with plans, specifications and profiles and the estimate of cost of improvements approved and filed in the office of the Clerk of Council; and

Whereas, in Resolution No. 2180-93, adopted October 25, 1993, the Council of the City amended Resolution No. 1152-93, to modify the plans, specifications and profiles and the estimate of the cost of improvements; and

Whereas, in Resolution No. 452-94, adopted March 7, 1994, the Council of the City amended Resolution No. 1152-93 to modify the plans, specifications and profiles and the estimate of the cost of improvements; and

Whereas, in Resolution No. 881-95, adopted July 19, 1995, the Council of the City amended Resolution No. 1152-93 to modify the plans, speci-

fications and profiles and the estimate of the cost of improvements; and

Whereas, in Resolution No. 1427-93, adopted June 14, 1993, Resolution No. 2425-93, adopted November 29, 1993, and Resolution No. 570-94, adopted March 28, 1994, the Council adopted the estimated assessments theretofore filed with respect to the improvements; and

Whereas, the actual cost of said improvement has now been ascertained and placed on file in the office of the Clerk of Council in File No. 874-96-A; and

Whereas, the estimated assessments for said improvements heretofore adopted by Resolution No. 1152-93, as amended by Resolution Nos. 2180-93, 452-94 and 881-95, have been adjusted so that said assessments, as adjusted, are in the same proportion to said estimated assessments as the actual cost of said improvements are to the estimated cost of said improvements; 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 revised assessment of the cost and expense of providing for the repair or otherwise improving underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street, except for the south side of Prospect Avenue between East 4th Street and East 6th Street, and on Huron Road from approximately 100 feet east of East 6th Street extending east to approximately 200 feet east of East 9th Street, in the City of Cleveland, as set forth in Resolution No. 1152-93, adopted on May 17, 1993, as amended by Resolution No. 2180-93, adopted October 25, 1993, Resolution No. 452-94, adopted March 7, 1994, and Resolution No. 881-95, adopted July 19, 1995, and amounting in the aggregate to \$1,123,978.16, as reported to this Council by the Commissioner of Licenses and Assessments, be and the same is hereby adopted and conformed, and that there be and are hereby levied and assessed upon the lots and lands containing underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street, except for the south side of Prospect Avenue between East 4th Street and East 6th Street, and on Huron Road from approximately 100 feet east of East 6th Street extending east to approximately 200 feet east of East 9th Street, the several amounts reported as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in ten (10) annual installments, with interest on deferred payments at the rate of 6.90% per annum. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments thereof remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is authorized and directed to keep said adjusted assessments on file in the Clerk's Office for so long as any assessment remains unpaid.

Section 5. That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

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 June 10, 1996.
Effective June 19, 1996.

Ord. No. 875-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to upgrade the electric meter equipment for terminal sites, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure pro-

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials needed to upgrade the electric meter equipment for terminal sites in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. 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 year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20852)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 876-96.
By Councilmen Miller and Rokakis (by departmental request).
An ordinance authorizing the Director of Port Control to enter into agreements with parking lot operators located off airport property, in order to assess fees to such companies for use of airport property in the conduct of the companies' business at Cleveland Hopkins International Airport, and to issue permits for the use of airport property pursuant to said agreements.

Whereas, there are a number of parking lot operators located off airport property, which provide services to customers by regularly entering airport property to pick-up and drop-off customers; and

Whereas, imposition of an off airport user fee would increase revenue for, and provide fairer distribution of costs of airport operations, maintenance and airport growth; now, therefore

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

Section 1. That the Director of Port Control is hereby authorized to enter into agreement(s) with off-airport parking lot operators whereby the off-airport operator, in exchange for use of airport property, shall be assessed a monthly user fee of 8% of gross revenues for its use of airport property in the conduct of such operator's business in providing transportation to customers to and from the operator's facilities and the airport. Further, said Director is authorized to issue permits to said off-airport operators for use of airport property pursuant to such user fee agreements. Such agreement and permit shall contain such provisions as shall be deemed necessary by the Director of Law.

Section 2. That the agreement or agreements authorized herein shall be entered into not later than June 30, 1997.

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

Passed June 10, 1996.
Effective July 20, 1996.

Ord. No. 925-96.

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

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

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

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

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

Section 133.33 Parking Fees.

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

(1) **Willard Park Garage:**

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

A.	First hour or portion thereof	\$2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to 11:00 p.m.	up to 8.10
D.	Additional overnight charge from 11:00 p.m. to 6 A.M.	up to 8.10
E.	General monthly rate	up to 143.52
F.1.	Special monthly rate for City employees	50.93
F.2.	Special monthly rate for federal, state and county employees	64.81
G.	Special events (flat rate - pay enter)	up to 10.00

H.	Charge for lost or stolen key card	50.00
I.	Returned check charge	15.00
J.	Late payment charge	5.00
K.	Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties)	up to 8.00
(2) Cleveland Convention Center Garage:		
A.	First hour or portion thereof	2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to 11:00 p.m.	up to 7.18
D.	Additional overnight charge from 11:00 p.m. to 6 A.M.	up to 7.18
E.	General monthly rate (the number of key cards may be limited at the discretion of the Commissioners of the Convention Center and Parking Facilities)	up to 157.41
F.	Special events (flat rate - pay enter)	up to 10.00
G.	Charge for lost or stolen key card	50.00
H.	Returned check charge	15.00
I.	Late payment charge	5.00
J.	Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties)	up to 8.00
(3) Canal Basin Lot:		
A.	Daily rate from 6 A.M. to 6:00 P.M. (flat rate - pay enter)	up to 1.85
B.	General monthly rate (weekdays between 6 A.M. and 6 P.M.)	37.04
C.	Special events, weekdays between 6:00 P.M. and 6 A.M., weekends and holidays (flat rate - pay enter)	up to 10.00
D.	Returned check charge	15.00
E.	Late payment charge	5.00
F.	Charge for lost or stolen key card	50.00
(4) North Coast Municipal Parking Lot:		
A.	Daily rate (flat rate - pay enter)	up to 2.08
B.	City of Cleveland employees	no charge
C.	General monthly rate — non-City of Cleveland employees	up to 41.67
D.	Special events (flat rate - pay enter)	up to 10.00
E.	Charge for lost or stolen key card	50.00
F.	Returned check charge	15.00
G.	Late payment charge	5.00

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

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

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

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

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

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

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

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

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

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

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 927-96.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.14 thereof, relating to applying for and accepting FAA grant funds.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 139.14 to read as follows:

Section 139.14 Applying for and Accepting FAA Grant Funds

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

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

(c) The Director shall send notice to the Clerk of Council, the members of Council from Wards 20 and 21, and each member of the Aviation and Transportation Committee each time a grant is applied for under this section, and each time any matching funds are expended in excess of ten thousand dollars (\$10,000) in accordance with this section.

(d) This section shall expire on December 31, 1996.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 933-96.

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

An emergency ordinance authorizing the sale of real property as

part of the Land Reutilization Program and located at 3104 Carroll Avenue to Gary M. Marich and Jill E. Huston-Marich.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 003-37-038, as more fully described in Section 2 below, to Gary M. Marich and Jill E. Huston-Marich.

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

P.P. No. 003-37-038

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

Also subject to zoning ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 934-96.

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

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

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

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

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

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

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

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

P.P. No. 002-36-158

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

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

Subject to zoning ordinances, if any.

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

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

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

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

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 936-96.
By Councilman Rokakis (by departmental request).

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

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

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

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

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

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 937-96.
By Councilman Rokakis (by departmental request).

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

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

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

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

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

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 944-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Sections 179.01, 179.03, 179.04, 179.09 and 179.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1748-80, passed October 8, 1980, to amend Section 179.10, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1398-83, passed May 16, 1983, to amend Section 179.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1111-83, passed May 6, 1983, and to amend sections 1, 6, 9, and 17 of Ordinance No. 1749-80, passed October 8, 1980, all relating to the City's covenants under its general bond ordinance; appointing a successor trustee under the general bond ordinance; and authorizing and approving related matters.

Whereas, pursuant to Ordinance No. 1748-80, passed by the Council of the City of Cleveland on October 8, 1980, as amended by Ordinance No.

1111-83, passed May 6, 1983, and Ordinance No. 1398-83, passed May 16, 1983, the City amended Sections 179.01 through 179.18 of the Codified Ordinances of Cleveland, Ohio, 1976, to provide that the City escrow its bond retirement fund (the "Sinking Fund") with the Escrow Agent (defined therein) to help restore the confidence of investors in the creditworthiness of the City, to establish a Reserve Account (as defined therein), to require that it be maintained at an amount equal to fifteen percent of the highest aggregate annual debt charges on all City voted and unvoted general obligation bonds and notes payable in any subsequent year, and to provide that moneys held therein shall be used for the payment of debt charges to the extent that moneys available in other accounts in the Sinking Fund are insufficient for such purposes; and

Whereas, the City's financial management and practices have improved and the confidence of investors in the creditworthiness of the City has been restored to the extent that the maintenance and funding of the Reserve Account in the Sinking Fund is no longer necessary to enable the City to issue general obligation debt under favorable terms to the City; and

Whereas, it is therefore desirable to amend various sections of Chapter 179 of the Codified Ordinances of Cleveland, Ohio, 1976, to eliminate the Reserve Account in the Sinking Fund and the requirement that the Reserve Account be funded; and

Whereas, the City covenanted in Ordinance No. 1749-80, passed October 8, 1980, as amended by Ordinance No. 1112-83, passed May 6, 1983 (the "General Bond Ordinance") to maintain the moneys and investments in the Sinking Fund in trust with the Escrow Agent and to provide for deposits to the accounts in the Sinking Fund; and

Whereas, Section 14 of the General Bond Ordinance provides that the City and the Trustee (as defined therein) may execute amending ordinances amending the General Bond Ordinance, subject in the case of certain amendments to the receipt of the consent of not less than 66-2/3% of the holders of outstanding general obligation bonds issued under the General Bond Ordinance; and

Whereas, the original purchasers of the City's outstanding general obligation bonds issued under the General Bond Ordinance in 1993 and 1994, as a condition of their purchase of those bonds and on behalf of all subsequent holders of those bonds, consented to the amendments contained herein to eliminate the Reserve Account and the requirement that the Reserve Account be funded and maintained, the City intends to obtain the consent to those amendments from the original purchasers of the City's general obligation bonds to be issued under the General Bond Ordinance in 1996 and, upon receipt of the consents of those 1996 bondholders, the consents of the holders of not less than 66-2/3% of outstanding general obligation bonds issued under the General Bond Ordinance will have been obtained; and

Whereas, it is necessary to appoint a successor trustee under the General Bond Ordinance to replace Society National Bank (the successor to Morgan Guaranty Trust

Company of New York, the original trustee) because Society National Bank has sold substantially all of its corporate trust operations, and it is necessary and desirable to make certain amendments to the General Bond Ordinance that do not require the consent of bondholders to cure certain inconsistencies in the General Bond Ordinance resulting from the change in the bank serving as Trustee and paying agent; and

Whereas, it is necessary that this Ordinance become effective immediately in order that the City may promptly proceed in 1996 with the issuance of bonds under the General Bond Ordinance and proceed to implement the amendments to effect the elimination of the Reserve Account in order to achieve more efficiency in its financial management, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual, daily operation of a municipal department; now, therefore,

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

Section 1. Amendment. The following Sections of Chapter 179 of the Codified Ordinances of Cleveland, Ohio, 1976, are hereby amended: Sections 179.01, 179.03, 179.04, 179.09 and 179.11, as amended by Ordinance No. 1748-80, passed October 8, 1980, Section 179.10, as amended by Ordinance No. 1398-83, passed May 16, 1983, and Section 179.12, as amended by Ordinance No. 1111-83, passed May 16, 1983. Those Sections are amended and restated in their entirety to read as follows:

179.01 Definitions

As used in this chapter, the following terms shall have the following meanings:

(a) "Sinking Fund": the Sinking Fund provided for in this chapter, which constitutes the Bond Retirement Fund of the City required by RC 5705.09(C).

(b) "Sinking Fund Commission": the commission consisting of the Mayor, the Director of Finance, and the President of the Council, established pursuant to Section 110 of the Charter of the City of Cleveland to manage and control the Sinking Fund in the manner provided by ordinance and by general law to the extent not provided by ordinance.

(c) "Escrow Agent": the agent designated by the Sinking Fund Commission pursuant to Section 179.02 for the purposes set forth in this chapter.

(d) "Debt Charges": the principal of and call premium, if any, and interest on general obligation bonds or notes of the City.

(e) "Voted Obligations": general obligation bonds of the City authorized by vote of the electors and notes issued in anticipation of such bonds.

(f) "Unvoted Tax Supported Obligations": general obligation bonds of the City, not authorized by vote of the electors, and notes issued in anticipation of such bonds, other than Self-Supporting Obligations, payable from ad valorem property taxes levied within the limitations provided by law, irrespective of whether such bonds or notes are secured by other receipts of the City in addition to such ad valorem property taxes, and including any such general obligation bonds, and notes issued in anticipation of such bonds,

which are not or cease to be Self-Supporting Obligations.

(g) "Self-Supporting Obligations": general obligation bonds of the City, and notes issued in anticipation of such bonds, issued for permanent improvements (as defined in RC 133.01) which constitute or are part of an Enterprise of the City, to the extent that the City's Self-Supporting Revenues from such Enterprise are sufficient and available to meet the annual debt charges on such bonds issued or to be issued for the purposes of such Enterprise. "Voted Self-Supporting Obligations" are Self-Supporting Obligations which are Voted Obligations; "Unvoted Self-Supporting Obligations" are all other Self-Supporting Obligations.

(h) "Self-Supporting Revenues": the annual income to the City, including charges, prices, fees, and rentals, from the operation or ownership of an Enterprise, after deducting therefrom the City's annual cost of operation and maintenance (other than depreciation) of such Enterprise and any payments or deposits required to be made by the City under any ordinance, trust indenture, trust agreement or other agreement which pertains to revenue or mortgage revenue bonds or notes issued for the purposes of such Enterprise or which otherwise creates a prior pledge or lien on such income for payments of any obligations other than debt charges on general obligation bonds or notes of the City.

(i) "Enterprise": a water system, electric power or distribution system, airports, or ports, or any motor vehicle parking system, solid waste collection, disposal, or recovery system or other facility, or group or system of facilities, determined to be an enterprise for purpose of this chapter pursuant to an ordinance authorizing the issuance of Self-Supporting Obligations for the purposes of such system or facility.

(j) "Ten-Mill Limitation": the ten-mill limitation defined in RC 5705.02.

179.03 Sinking Fund Accounts

The following accounts shall be established for the Sinking Fund:

(a) Voted Obligations Account to be held for and applied solely to the payment of debt charges on Voted Obligations;

(b) Unvoted Tax Supported Obligations Account to be held for and applied solely to the payment of debt charges on Unvoted Tax Supported Obligations (other than the payment of principal on bond anticipation notes except for the amount of such notes required to be retired pursuant to RC 133.22 if such notes are outstanding for more than five (5) years);

(c) Unvoted Self-Supporting Obligations Account to be held for and applied solely to the payment of debt charges on Unvoted Self-Supporting Obligations; and

(d) Unvoted Bond and Note Redemption Account to be held for and applied solely to the payment of debt charges and accrued interest on unvoted general obligation bonds, and notes issued in anticipation of such bonds, which are to be retired from the proceeds of the issuance of renewal notes, or bonds or refunding bonds, or from special assessments or other monies transferred for such purposes.

The Sinking Fund Commission may from time to time establish sub-accounts within any of the

accounts of the Sinking Fund described in subsections (a) through (d) of this section, provided that each such sub-account shall be for a purpose or purposes within the purposes of such account and shall not be inconsistent with any other provision of this chapter, or any ordinance authorizing the issuance of bonds or notes.

179.04 Transfer of Moneys and Investments to Escrow Agent

Upon designation of the Escrow Agent pursuant to Section 179.02, the Sinking Fund Commission shall transfer to and deposit with the Escrow Agent all moneys and investments held in the Sinking Fund or in any other fund of the City for the payment of debt charges on Voted Obligations, Unvoted Tax Supported Obligations, and Unvoted Self-Supporting Obligations, and shall direct that such moneys and investments be credited to the following accounts:

(a) All such moneys and investments derived from collections of ad valorem property taxes levied outside the ten-mill limitation for the then current budget year shall be credited to the Voted Obligations Account;

(b) All such moneys and investments derived from collection of ad valorem property taxes within the ten-mill limitation for the then current budget year shall be credited to the Unvoted Tax Supported Obligations Account;

(c) All such moneys and investments held for the payment of debt charges on voted Self-Supporting Obligations shall be credited to the Voted Obligations Account;

(d) All such moneys and investments held for the payment of debt charges on Unvoted Self-Supporting Obligations shall be credited to the Unvoted Self-Supporting Obligations Account; and

(e) All such moneys and investments which represent the proceeds of renewal notes or bonds or refunding bonds, special assessments, or other moneys to be applied to the payment of debt charges on unvoted general obligation bonds, and notes issued in anticipation of such bonds, shall be credited to the Unvoted Bond and Note Redemption Account.

Upon the designation of any successor Escrow Agent pursuant to Section 179.02, the moneys and investments of the Sinking Fund, including each such account, shall be transferred promptly to such Successor Escrow Agent.

179.09 [Reserved]

179.10 Deposits in and Disbursements From Sinking Fund Accounts
With respect to any deposit with the Escrow Agent of revenues which the Sinking Fund Commission is required to make or cause to be made to various Sinking Fund accounts pursuant to Sections 179.05 through 179.08, inclusive, the Sinking Fund Commission shall make such deposits or cause such deposits to be made in such amounts and at such times (pursuant to ordinances providing for the issuance or securing of bonds or notes where applicable provision is made) to allow for the payment of debt charges from such accounts in the amounts and at the times required by the ordinances and agreements pertaining to the various obligations for the payment of the debt charges on which such accounts are respective-

ly held. The Escrow Agent shall, at the times and in the amounts required by such ordinances and agreements, make disbursements from the appropriate Sinking Fund accounts to the paying agents responsible for the payment of debt charges on the various obligations.

179.11 Transfers and Advances Between Sinking Fund Accounts. The Sinking Fund Commission shall not authorize, and the Escrow Agent shall not make, any transfer from any Sinking Fund account to any other Sinking Fund account or to any other fund except for (a) the transfer of funds in the Reserve Account to the Unvoted Tax Supported Obligations Account and the Unvoted Self-Supporting Obligations Account in connection with the elimination of the Reserve Account, and (b) in the event there are no longer outstanding any obligations for the payment of debt charges on which a Sinking Fund account is held, then the Sinking Fund Commission may authorize and instruct the Escrow Agent in writing to transfer the balance in such account to any other Sinking Fund account.

179.12 Investment of Moneys in Sinking Fund Accounts

(a) Subject to the restrictions set forth in this section, the Sinking Fund Commission shall, by written instruction, direct the investment by the Escrow Agent of moneys credited to the various Sinking Fund accounts. The Sinking Fund Commission shall authorize and the Escrow Agent shall effect the investment of moneys credited to the Sinking Fund accounts only in the following obligations:

(1) Direct obligations of the United States of America or obligations, the timely payment of the principal of and interest on which is fully guaranteed by the United States of America;

(2) certificates of deposit, demand deposits or time deposits of any state bank or trust company or national banking association, including the Escrow Agent or any affiliate of the Escrow Agent, which is a member of the Federal Deposit Insurance Corporation (FDIC), (including any investment in pools of those certificates of deposit, demand deposits or time deposits owned by the bank, trust company or national banking association), provided that any such certificate of deposit, demand deposit or time deposit is

(A) continuously and fully insured by FDIC, or

(B) issued by an entity that has (or guaranteed by an entity's parent holding company that has) either unsecured, unguaranteed and uninsured commercial paper rated in the highest rating category, or unsecured, unguaranteed and uninsured long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts, or

(C) fully secured, to the extent not insured by FDIC, by obligations of the type described in paragraph (1) above (i) that have a market value at all times at least equal to the uninsured principal amount of the deposit, (ii) that are held by the Escrow Agent (except in case of a certificate of deposit, demand deposit or time deposit of the Escrow Agent) or any Federal Reserve Bank or depository of the

United States of America, as custodian for the institution issuing the deposit, together with the undertaking of such institution, in form satisfactory to the Escrow Agent, that the aggregate market value of the obligations securing such deposit at all times will be maintained in an amount meeting the requirements of this subparagraph (C), and (ii) in which the Escrow Agent has a prior perfected first lien and which are not subject to any third-party claims;

(3) repurchase agreements collateralized by securities described in paragraph (1) above with any registered broker/dealer under the jurisdiction of the Securities Investors' Protection Corporation or any state bank or trust company or national banking association, including the Escrow Agent, if such broker/dealer, bank or trust company has (or its parent holding company has, if it provides a guarantee of the obligation) unsecured, uninsured and unguaranteed commercial paper rated in the highest rating category, or unsecured, uninsured and unguaranteed long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts, provided that:

(A) a master repurchase agreement or specific written repurchase agreement governs the transaction,

(B) the securities are held by the Escrow Agent or an independent third party acting solely as agent for the Escrow Agent free and clear of any lien, and such third party is (i) a Federal Reserve Bank, or (ii) a bank that is a member of the FDIC and that has combined capital, surplus and undivided profits of not less than \$50,000,000, and the Escrow Agent shall have received written confirmation from such third party that it holds such securities, free of any lien, as agent for the Escrow Agent,

(C) a perfected first security interest in such securities under the Uniform Commercial Code or book entry procedures prescribed by federal regulations, is created for the benefit of the Escrow Agent (as demonstrated by an opinion of counsel upon which the Escrow Agent may rely as to perfection and priority),

(D) the repurchase agreement has a term of 30 days or less, or the Escrow Agent will value the collateral securities no less frequently than once every seven days and will liquidate the collateral securities if any deficiency in the required collateral percentage is not restored within two business days of such valuation,

(E) the fair market value of the securities in relation to the amount of the repurchase obligation, including principal and interest, is equal to at least 100%; (4) investment contracts (which term shall not include repurchase agreements) fully collateralized by securities described in paragraph (1) above, with an institution that has (or its parent holding company has, if it provides a guarantee of the obligation) either unguaranteed and uninsured commercial paper rated in the highest rating category, or unsecured, unguaranteed and uninsured long-term obligations rated in the third highest or higher rating category, by a rating service or agency that maintains a rating on obliga-

tions of the City payable from any of the Sinking Fund accounts;

(5) obligations of any state of the United States of America or any political subdivision of any state, other than the City, for the payment of which the full faith and credit of the state or political subdivision is pledged, provided that such obligations are rated in the second highest or higher rating category by a rating service or agency that maintains a rating on obligations of the City payable from any of the Sinking Fund accounts; and

(6) investments in the pooled investment program established in the custody of the Treasurer of the State pursuant to Section 135.45 of the Ohio Revised Code for investment of money by political subdivisions of the State.

(b) With respect to moneys credited to any Sinking Fund account, the Sinking Fund Commission shall authorize and the Escrow Agent shall effect the investment of such moneys only in obligations which shall mature (or be redeemable at the option of the holder) at such times and in such amounts as to allow the Escrow Agent to make all required payments of debt charges from such account in a timely manner.

(c) In order to fulfill the Escrow Agent's duty under Section 179.10 to make disbursements from the various Sinking Fund accounts in the amounts and at the times required for the payment of debt charges from such accounts, the Escrow Agent shall, if and to the extent necessary for that purpose, sell or redeem any investment held to the credit of any such account from which such a disbursement is to be made, and the Escrow Agent may do so without any further authorization by the Sinking Fund Commission, the City, or any officer of the City.

(d) The income from any investment made pursuant to this section (including interest, proceeds from sale or redemption, and other income) shall be credited to the Sinking Fund account for which such investment was made.

(e) To prevent bonds or notes issued by the City from becoming "arbitrage bonds" under Section 103(c) of the Internal Revenue Code and regulations promulgated thereunder, the Sinking Fund Commission shall, from time to time as necessary for that purpose, authorize and instruct the Escrow Agent in writing to (1) restrict the yield received on the investment of moneys held in any Sinking Fund account or earnings thereon, and (2) take other actions consistent with the provisions of this chapter with respect to the application of such moneys or earnings thereon.

Section 2. Transfer of Moneys in Reserve Account. Upon the execution of this Ordinance by the Trustee pursuant to Section 5 herein and Section 14 of the General Bond Ordinance, the Sinking Fund Commission shall direct the Escrow Agent to, and the Escrow Agent shall, transfer the moneys in the Reserve Account in the Sinking Fund to the Unvoted Tax Supported Obligations Account and the Unvoted Self-Supporting Obligations Account in the Sinking Fund in proportion to the debt service to be paid from those accounts on obligations outstanding as of the date of such transfer.

Section 3. Amendments to Ordi-

nance No. 1749-80, passed October 8, 1980 (the General Bond Ordinance). The following Sections of Ordinance 1749-80 are amended as follows:

Section 1. Definitions and Interpretations. The following words and terms as used in this General Bond Ordinance, in Series Bond Ordinances and in the Bonds shall have the following meanings unless otherwise therein provided and unless the context or use clearly indicates another or different meaning or intent:

"Act" means Sections 118.01 to 118.99, inclusive, and Sections 717.15 and 717.16 of the Revised Code of Ohio, as the same may be amended, modified, revised, supplemented, or superseded from time to time, provided that no further action by the General Assembly of Ohio shall alter the obligation of the City to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in this General Bond Ordinance and the applicable Series Bond Ordinances.

"Agency" means the agency defined in Section 9(b) of this Ordinance.

"Agreement" means the Bond Purchase Agreement dated as of September 1, 1980, between the City and the Original Purchasers under the Agreement providing for the sale of bonds of the City in aggregate principal amount of \$36,215,000.

"Bond" or "Bonds" means any bond, or all the Bonds, or an issue or series of Bonds, as the case may be, of the City issued pursuant to the General Bond Ordinance and any Series Bond Ordinance.

"Bondholder" or "holder" or "holder of Bonds" or any similar term, means any person who is the bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer, or the person in whose name a registered Bond is registered, and as to a coupon means the bearer of the coupon.

"Chapter 179" means Chapter 179 of the Codified Ordinances of the City as enacted by Ordinance No. 1748-80 adopted by this Council and as in effect on October 8, 1980, except as such chapter may thereafter be amended in the manner, and subject to the restrictions provided in Section 14 hereof with respect to the manner of amending this Ordinance.

"City" means the City of Cleveland, Ohio.

"Commission" or "Financial Planning and Supervision Commission for the City" means any Financial Planning and Supervision Commission for the City of Cleveland appointed pursuant to Section 118.05 of the Revised Code of Ohio.

"Council" means the legislative authority of the City of Cleveland, Ohio.

"coupon" or "interest coupon" means any of the coupons evidencing the installments of interest on the applicable coupon Bond.

"coupon Bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Debt service charges" or "debt charges" means the principal, including any mandatory sinking fund requirements, interest, and redemption premium, if any, required to be paid by the City on the Bonds.

"Director of Finance" means the person holding the office designat-

ed in the City's Charter as Director of Finance, which is the office defined in Division (D) of Section 133.01 of the Revised Code of Ohio as the City's fiscal officer, and includes any person serving as Acting Director of Finance for the City under its Charter and Codified Ordinances of Cleveland, 1976.

"Effective Schedule" means the effective schedule defined in Section 9(c) of this Ordinance.

"Escrow Agent" means the escrow agent selected pursuant to Chapter 179 and each successor to such function.

"Financial Plan" or "Plan" means any financial plan for the City as adopted and amended and approved by the Commission in accordance with Section 118.06 of the Revised Code of Ohio.

"Financial Supervisor" means the financial supervisor as defined in Section 118.01(Q) of the Revised Code of Ohio, which is included in the reference to "Commission" herein whenever duly authorized to act on behalf of the Commission with respect to the matter.

"General Bond Ordinance" or "this Ordinance" as used herein means this Ordinance, as the same may be amended from time to time in accordance with Section 14 hereof.

"Original Purchaser" as to any Bonds means the person or persons who are the first purchasers of such Bonds directly from the City.

"Original Purchasers under the Agreement" means the original purchasers identified in or pursuant to the Agreement.

"Outstanding Bonds" or "Bonds outstanding" or "outstanding" as applied to Bonds, means, as of any date, all Bonds issued pursuant to all Series Bond Ordinances which have been authenticated by the Trustee and delivered by the City, except:

(a) Bonds surrendered for exchange or transfer or cancelled because of payment or redemption at or prior to such date;

(b) Bonds which are deemed to have been paid and discharged pursuant to the provisions of Section 15 of this Ordinance;

(c) Bonds which have matured and Bonds which have been duly called for redemption if moneys for the payment of the principal of, and interest and premium, if any, on such Bonds have been deposited with and are held by the Paying Agents so as to be available for payment or redemption of such Bonds, provided that the Trustee has received notice, in a form satisfactory to the Trustee, that such Bonds have matured or have been duly called for redemption and that moneys have been deposited with and are held by the Paying Agents;

(d) Lost, stolen, mutilated or destroyed Bonds in lieu of which others have been authenticated and delivered (or payment of which is made, when due, without replacement) unless proof satisfactory to the Trustee is presented that any such Bonds are held by bona fide holders in due course; and

(e) With respect to the provisions for waivers of defaults, directing remedies or consenting to amendments of this Ordinance, any Bonds during such time as they are held by the City.

"Paying Agents" means banks or trust companies designated as the paying agencies or places of payment for Bonds by or pursuant to this Ordinance or the applicable

Series Bond Ordinance, and their successors, and shall also mean the Trustee when so designated for such purpose.

"Self-Supporting Obligations" means self-supporting obligations as defined in Chapter 179.

"Self-Supporting Revenues" means self-supporting revenues as defined in Chapter 179.

"Series Bond Ordinances" mean ordinances passed by the Council authorizing the issuance of unvoted general obligation bonds of the City in accordance with this General Bond Ordinance, and particularly Section 3 hereof, and includes any ordinance, resolution or certificate providing for or evidencing the award and terms of the Bonds as authorized by any Series Bond Ordinance.

"Sinking Fund" means the bond retirement fund required by Section 5705.09(C) of the Revised Code of Ohio and referred to in Chapter 179.

"Sinking Fund Commission" means the sinking fund commission as defined in Chapter 179.

"State" means the State of Ohio.

"Ten Mill Limitation" means the ten mill limitation defined in Section 5705.02 of the Revised Code of Ohio.

"Trustee" means the bank or trust company and successors appointed pursuant to Section 11 of this Ordinance, being a fiscal agent within the meaning of Section 118.18 of the Revised Code of Ohio, authorized to exercise trust powers in the State.

"Unvoted Self-Supporting Obligations Account" means the unvoted self-supporting obligations account described in Chapter 179.

"Unvoted Tax Supported Obligations" means unvoted tax supported obligations as defined in Chapter 179.

"Unvoted Tax Supported Obligations Account" means the unvoted tax supported obligations account described in Chapter 179.

"Voted Obligations" means voted obligations as defined in Chapter 179.

Any reference herein to the City, the Council, the Commission, or to any officers or to other public boards, commissions, departments, institutions, agencies, bodies, entities or officers, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions. Any reference to a section or provision of the Revised Code of Ohio or to the laws of Ohio shall include such section or provision and such laws as from time to time amended, modified, revised, supplemented, or superseded, provided that no such amendment, modification, revision, supplementation, or supersession shall alter the obligation to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in this Ordinance, and the applicable Series Bond Ordinance. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof", "herein", "hereby", "hereto", "hereunder", and similar terms, refer to this Ordinance.

Section 6. Sinking Fund.

(a) Authority. Pursuant to Section 118.20 of the Revised Code of Ohio, Section 110 of the City's Charter and Chapter 179 of the Codified Ordinances of the City ("Chapter 179"),

the City has established a Sinking Fund (constituting a bond retirement fund in compliance with Chapter 5705 of the Revised Code of Ohio), and shall place the moneys and investments of the Sinking Fund in trust with the Escrow Agent, selected pursuant to Chapter 179 (said Escrow Agent and each bank succeeding to such function being herein called the "Escrow Agent") for the benefit of holders of bonds and notes of the City payable from the accounts of the Sinking Fund, which accounts are as follows: (i) Voted Obligations Account, (ii) Unvoted Self-Supporting Obligations Account, (iii) Unvoted Tax Supported Obligations Account, (iv) Unvoted Bond and Note Redemption Account.

(b) Covenant to Maintain. So long as any of the Bonds are outstanding, the City covenants with the holders of the Bonds and the Trustee and any successor Trustee provided for in Section 11 hereof (the "Trustee") to maintain the moneys and investments of the Sinking Fund irrevocably in trust with the Escrow Agent, maintain the accounts and sub-accounts as provided, and solely for the respective purposes set forth, in Chapter 179 and this Ordinance, and to provide for deposits into and maintenance of required amounts, and investments, transfers, advances and application of moneys in, such accounts in the amounts, time and manner provided in, and in all other respects consistent with, Chapter 179 and this Ordinance, and in the event of resignation or other termination of an Escrow Agent, to promptly designate a successor Escrow Agent with the qualifications required by Chapter 179 so that there will be no lapse in the holding of the Sinking Fund by an Escrow Agent.

Section 9. Supplementary Debt Service Moneys.

(a) Covenant. Subject to the provisions of subsection (g) hereof, the City hereby covenants that, so long as any of the Bonds are outstanding, it will collect, appropriate and deposit to the Unvoted Tax Supported Obligations Account of the Sinking Fund held by the Escrow Agent, for the payment of debt charges payable from such account, municipal income taxes and other taxes, receipts, and available revenues sufficient in amount and time of receipt to meet such debt charges as provided in this section.

(b) Schedules of Payments. Such amount of municipal income taxes shall be determined annually and adjusted periodically as follows: With each tax budget, the City shall set forth a schedule, on a monthly basis for the full budget year, of the year-end balances and the tax and other receipts to be credited to the various accounts of the Sinking Fund, other than from the income tax, and the times and amounts of payments from the respective accounts of the Sinking Fund to meet the required debt charges payable from such accounts. For such tax budget purpose, such tax and other receipts planned to be credited to the Unvoted Tax Supported Obligations Account shall be limited to the ad valorem tax levy within the ten-mill limitation, special assessments levied for debt charges on unvoted general obligations, accrued interest and premium, if any, received upon the sale of unvoted general obligations, reason-

ably estimated interest income properly to be credited to the Unvoted Tax Supported Obligations Account, including interest from investment of moneys held to the credit of such account. To the extent of any deficiency in time or amount of such revenue receipts to be credited to the Unvoted Tax Supported Obligations Account of the Sinking Fund to meet debt charges payable from such account there shall be set forth in such schedule of monthly payments from the income tax receipts, in equal monthly amounts from the first month of the year, sufficient to meet such deficiency, to wit: As to the first debt charges payment date for which a deficiency is determined (by taking into account only receipts to be credited to such account from the above-described sources, other than the income taxes, through the last calendar month preceding such debt charges payment date), the schedule shall provide for payments from the income tax receipts to such account in each month from the first month of the year to the month preceding that in which such first debt charges payment date occurs, inclusive, of monthly amounts equal to such deficiency divided by the number of such months of the year preceding the month in which such debt charges payment date occurs; for each subsequent debt charges payment date any such deficiency shall be determined on the basis of such other receipts to be credited to the account through the last full calendar month preceding such date after deducting debt charges payable from the account prior to such date, and the schedule shall provide for payments from the income tax receipts to such account in each month from the first month of the year to the month preceding that in which such debt charges payment date occurs, inclusive, in monthly amounts equal to such deficiency divided by the number of such months of the year preceding the month in which such debt charges payment date occurs; so that the total amount so scheduled to be deposited to such account from income tax receipts in any month shall be the aggregate of the respective equal monthly amounts determined with respect to each such debt service payment date. Such schedule, certified by the Director of Finance of the City, shall be delivered by the City to the Trustee a reasonable time before the tax budget is adopted by the City. Such schedule and certification and revised schedules certified under this paragraph shall be accompanied by a report prepared by the independent accounting firm engaged pursuant to paragraph (c) of Section 10 of this Ordinance stating, and showing financial data sufficient to demonstrate, that the total amount to be deposited to the Unvoted Tax Supported Obligations Account from income tax receipts in any month as set forth in such schedule is consistent with the requirements of paragraph (b) of this Section, and that the making of such deposits can reasonably be expected to result in there being amounts in the Account sufficient to make timely payment of all debt charges scheduled to be paid from such Account during such budget year. The City shall provide to the Trustee all information required by the Trustee with respect to such schedule or revised schedule, includ-

ing designation of the amounts from specified sources to be deposited to the credit of the respective accounts of the Sinking Fund. The City shall also cause a certified copy of the schedule to be submitted to the Central Collection Agency (Income Tax Administrator of the City) or other entity or officer having charge of collection of the City's income taxes at the time (the "Agency", which term, where appropriate, includes the Central Collection General Account, or any other fund or account in or to the credit of which income tax receipts allocable to the City are first held upon collection and prior to distribution to other funds or accounts of the City; and also includes any agency which is independent of the City hereafter authorized to collect the City's income taxes, for which purpose the City hereby covenants that in so authorizing such collection by such agency the City shall require the agreement of such agency, for the benefit of the Bondholders, to comply with the applicable provisions of this Ordinance pertaining to the Agency). The tax budget of the City and its appropriation ordinances shall be consistent with such certified schedule. The City shall monitor continuously all estimates and actual receipts of the amounts from the respective sources to be deposited to the respective accounts of the Sinking Fund. If at any time the projected or actual amount of the receipts in the Unvoted Tax Supported Obligations Account from sources other than income taxes is less than the amount budgeted from such sources or the projected amount required to be paid from such account will be greater than estimated in such schedule, the Director of Finance shall certify a revised schedule of increased deposits from the income tax, based on a projection of the same proportional deficiency from such other sources for the ensuing months of the fiscal year or such greater deficiency from such sources as the circumstances indicate to the Director of Finance and projection of such revised requirements, such that the increased deposits from the income tax will be sufficient to meet such projected deficiencies and requirements. The Director of Finance shall certify such revised schedule of deposits from the income tax to the Trustee and to the Agency. If the deposits from said sources other than from the income tax shall for at least three consecutive months thereafter achieve the budgeted amount and amounts of any additional requirements not anticipated in the budget, the Director of Finance may again revise the schedule for deposits of income taxes consistent with the original schedule and similarly certify to the Trustee (with supporting information) and to the Agency. At any time that deposits to the Unvoted Tax Supported Obligations Account from sources other than the income tax have exceeded the amounts scheduled therefrom for three consecutive months, the Director of Finance may certify a revised schedule of deposits thereto from the income tax to the Trustee and to the Agency. Such schedule may also be revised at any time, in a manner consistent with the objective of this section, upon the concurrence of the Director of Finance and the Trustee and certification of the revised schedule by the Director

of Finance to the Trustee and to the Agency.

(c) Withholding and Payment. Commencing with the first day of each month during which a deposit from the income tax receipts is to be made to the Unvoted Tax Supported Obligations Account of the Sinking Fund in accordance with the schedule last certified by the Director of Finance to the Trustee and to the Agency (the "Effective Schedule"), there shall be withheld in the Agency, from the first and ensuing collections of income taxes allocable to the City the full amount to be so deposited in such month and there shall not be paid over from the Agency to any other City fund any amount from income tax receipts allocable to the City until the amounts of income tax receipts set forth in the Effective Schedule for that month has been reserved and paid over directly from the Agency to the Escrow Agent and receipt thereof has been acknowledged by the Escrow Agent. Such amount shall be paid over to the Escrow Agent in the most expeditious manner practical as may be arranged among the Director of Finance, the Agency and the Escrow Agent. In any event, those officers of the City having the authority to act in the matter (currently, the Commissioner of Accounts, Treasurer and Income Tax Administrator of the City) shall take all such actions as are necessary or appropriate to make prompt payments of income tax receipts directly to the Escrow Agent as provided for in this Section.

(d) Sufficiency Assured. In any event, if at any time the Escrow Agent or the Trustee notifies the Director of Finance and the Agency that amounts held by the Escrow Agent and projected to be deposited to the Unvoted Tax Supported Obligations Account will be insufficient to meet the ensuing payments of debt charges to be paid therefrom and the amounts of such deficiency, the City shall, in the manner provided in paragraph (c) of this section, promptly transfer from income tax receipts allocable to the City then held by the Agency, and from the first such receipts following such certification, to the Unvoted Tax Supported Obligations Account, the amounts of such deficiency before making any further distribution therefrom to the City.

(e) Pledge and Covenant to Maintain Income Tax. So long as the Bonds are outstanding, the City hereby pledges the municipal income taxes of the City and grants a first lien thereon, to the full extent required to meet debt charges payable from the Unvoted Tax Supported Obligations Account in accordance with this Ordinance and Chapter 179, to secure the payment of the debt charges on the Bonds, on a parity with debt charges on all Outstanding Unvoted Tax Supported Obligations of the City payable from such Account and debt charges on any other Unvoted Tax Supported Obligations of the City hereafter issued which are payable from the Unvoted Tax Supported Obligations Account and which are secured by a pledge and lien expressly stated to be granted on a parity with that herein provided and which obligations are issued consistent with the provisions of this Section, Sections 2, 3 and 5, and paragraphs (g), (h), (j) and (m) of Section 10 hereof. The

City covenants to appropriate annually sufficient amounts from the income taxes for such purpose. The City further covenants that so long as any of the Bonds are outstanding, the City shall not repeal or amend any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds under this Section, and any attempt to do so in any manner shall be void and of no effect.

(f) Appropriations; Superseding Effect. The City further covenants that all income taxes and other taxes, receipts, and available revenues to be deposited with the Escrow Agent to the credit of the Unvoted Tax Supported Obligations Account of the Sinking Fund in accordance with this Ordinance shall be deemed to be appropriated to such accounts and shall not be available for or appropriated to any other purpose, and that any appropriation ordinance or transfer ordinance or order inconsistent with this covenant shall not be or be deemed to be effective to authorize application of such income tax revenues to other purposes to the extent inconsistent herewith. Each officer of the City having authority to make contracts or expenditures is hereby directed to give full effect to this covenant of the City, and the Director of Finance is hereby directed not to, and shall not, certify availability of funds for any other purpose inconsistent with this covenant. In order to avoid violation of this covenant, the City further hereby covenants to adopt and promptly to amend its appropriation ordinances to such extent as may be proper to reflect the Effective Schedule under (b) of this section and the latest certifications of the Escrow Agent or Trustee under paragraph (e) of this section. The provisions of this section shall prevail over and supersede any ordinance or codified ordinance of the City heretofore or hereafter adopted to any extent that such ordinance is inconsistent with this section.

(g) The amount of municipal income taxes required to be collected, appropriated, deposited, and pledged and as to which a first lien is granted pursuant to this Section 9 shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) in any year, reduced in any year after 1983 by the amount by which the shortfall in such subsequent year is less than the shortfall in 1983 (the "Ceiling"); provided, however, that:

(i) If, after the issuance of all the Bonds pursuant to the Agreement, the City, subject to Council approval, issues additional unvoted general obligation bonds or notes in anticipation of such bonds, or if any amount of debt charges on Self-Supporting Obligations of the City heretofore issued and outstanding on the effective date of this Ordinance or on the Bonds issued pursuant to Ordinance Nos. 1751-80 or 1755-80, adopted by this Council on the date of adoption of this Ordinance, are not covered by Self-Supporting Revenues and become payable from the Unvoted Tax Supported Obligations Account of the Sinking Fund pursuant to Chapter 179, and if, after such issuance or such debt charges become payable from said Account, such amount of municipal income taxes, as determined in accordance with subsections (b) and (e) hereof, exceeds the ceiling, then such amount of municipal income taxes to be collected, appropriated, deposited and pledged pursuant to this Section 9 shall be the amount so determined;

(ii) If, while the ceiling is in effect, the amount of such municipal income taxes, as determined in accordance with subsections (b) and (e) hereof, exceeds such limit, then the City shall set forth in the schedule required under Subsection 9(b) hereof the source and amount of other additional available revenues (subject to application of local government fund receipts to make deposits for the payment of debt charges on notes hereafter issued under Section 118.17 of the Revised Code of Ohio) to be credited and deposited to the Unvoted Tax Supported Obligations Account in addition to the tax and other receipts, including an amount of municipal income tax receipts not less than the ceiling, otherwise to be credited to that account under Subsection 9(b) hereof, and such other additional available revenues shall be included in determining the sufficiency of the total amount to be credited to said Account, and, as the case may be, the City shall likewise make deposits from such available revenues at the times and in the amounts to satisfy subsection (e) of this Section 9;

(iii) Nothing in this subsection (g) shall be deemed to prohibit the City, in its discretion, from appropriating and depositing to the Unvoted Tax Supported Obligations Account any additional amount of municipal income taxes. For purposes of this Subsection (g), the amount by which the shortfall in any subsequent year is less than the shortfall in 1983 shall be determined by calculating the difference between the remainder (whether negative or positive) in 1983 and in such subsequent year after subtracting the debt charges on all Unvoted Tax Supported Obligations from the proceeds of the unvoted ad valorem property taxes levied for such debt charges in the applicable year, based upon budget estimates to be subsequently adjusted to actual figures.

Section 17. Concerning the Paying Agents. Except as otherwise provided in the particular Series Bond Ordinance for the issuance and sale thereof: the principal of, and the interest and any premium on, Bonds shall be payable at the Paying Agents, which shall be the bank or trust companies then serving as Trustee and Escrow Agent, respectively, and interest on fully registered Bonds shall be paid by check or draft issued by the Escrow Agent and drawn upon the Sinking Fund. The City shall provide to the Escrow Agent a copy of the Bond registry for such purpose. Pursuant to Section 179.10 of Chapter 179, the Escrow Agent shall, at the times and in the amounts required by the several Series Bond Ordinances, make disbursements from the appropriate Sinking Fund accounts to the Paying Agent responsible for the payment of Bond service charges on the Bonds.

(a) Nonpresentation of Bonds or Coupons. In the event any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity, at the date fixed for redemption thereof, or otherwise, or in the event any coupon shall not be presented for payment

at the due date thereof. If funds sufficient to pay such Bond or coupon shall have been made available to the Paying Agents for the benefit of the holder or holders thereof, all liability of the City to the holder thereof for the payment of such Bond or coupon, as the case may be, shall thereupon cease and be completely discharged, and it shall be the duty of the Paying Agents to hold such funds, without liability for interest thereon, in a separate account for the benefit of the holder of such Bond, or the holder of such coupon, as the case may be, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond or coupon; provided that any funds which shall be so held by the Paying Agents and which remain unclaimed by the holder of the Bond or coupon not presented for payment for a period of two years after such due date thereof, shall upon request in writing by the City be returned by the Paying Agent to the City for credit to the Unvoted Tax Supported Obligations Account in the Sinking Fund free of any special claim of such holder and thereafter the holder of such Bond or coupon shall look only to the City for payment without any interest thereon, and the Paying Agents shall have no further responsibility with respect to such moneys.

(b) Funds to be Held in Trust. All moneys required or permitted to be deposited with or paid to the Paying Agents under any provision of this Ordinance and any investments thereof, shall be held by the Paying Agents in trust and, except for moneys deposited with or paid to the Paying Agents for the redemption of Bonds, notice of the redemption of which has been duly given, and moneys held by the Paying Agents pursuant to paragraph (a) hereof, shall, while held by the Paying Agents, be subject to the lien hereof.

(c) Appointment of Successor Paying Agent. In case a Paying Agent shall resign or be dissolved, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. Every such successor Paying Agent appointed pursuant to the provisions of this Section shall be a corporate trust company or bank or banking association in good standing and willing to accept the position under the terms and conditions of this Ordinance. A successor Paying Agent must also be the successor Paying Agent under each Series Bond Ordinance authorizing each issue of Bonds sold under the Agreement. The City shall publish notice of the appointment of such successor Paying Agent in the manner provided for publication of notice of call for redemption of bonds in Section 4 hereof.

(d) Dealing in Bonds. A Paying Agent, and any of its directors, officers, employees or agents, may in good faith, become the owners of Bonds and coupons appertaining thereto issued pursuant to this Ordinance with the same rights which they would have hereunder if the Paying Agent were not such.

Section 4. Appointment of Successor Trustee. The City hereby deter-

mines that Society National Bank is no longer capable of acting as Trustee under the General Bond Ordinance, or as registrar, authenticating agent or Paying Agent for the various series of Bonds outstanding under the General Bond Ordinance, as a result of its sale of substantially all of its corporate trust operations. The City hereby appoints Star Bank, N.A. as successor to Society National Bank as Trustee under the General Bond Ordinance and as Paying Agent, registrar and authenticating agent under any Series Bond Ordinances for any outstanding Bonds issued under the General Bond Ordinance. The Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them individually is, authorized and directed to take such actions as are necessary and appropriate to carry out the transfer of those trustee, authenticating agent, registrar, paying agent, transfer agent and other functions from Society National Bank to Star Bank, N.A., including the delivery of agreements, certificates and other written instruments and the giving of notices.

Section 5. Amendments and Repeal. (a) The following Sections of the Codified Ordinances of Cleveland, Ohio, 1976, and Sections of Ordinance 1749-80 are hereby repealed, effective as of the date provided in subsection (c) below: Sections 179.01, 179.03, 179.04, 179.09, and 179.11, as amended by Ordinance No. 1748-80, passed October 8, 1980, Section 179.10, as amended by Ordinance No. 1398-83, passed May 16, 1983; Section 179.12, as amended by Ordinance No. 1111-83, passed May 6, 1983, and Sections 1, 6, 9 and 17 of Ordinance No. 1749-80, passed October 8, 1980.

(b) The amendments set forth in Section 1 and Section 3 of this Ordinance shall be effective as of the date provided in subsection (c) below.

(c) The repeals and amendments described in subsection (a) and subsection (b) of this Section 5 shall become effective upon the delivery by the Trustee to the City of (i) a written statement that the holders of not less than sixty-six and two-thirds (66 2/3) percent in aggregate principal amount of Outstanding Bonds (as defined in the General Bond Ordinance) have consented to the elimination of the Reserve Account of the Sinking Fund, and (ii) an executed counterpart of this Ordinance, executed by the Trustee. The Director of Finance or the Director of Law shall deliver to the Clerk of Council for placement in the Clerk's File No. 944-96-A, copies of the written statement from the Trustee and the counterpart of this Ordinance executed by the Trustee.

Section 6. Notification to and Execution by the Trustee. The Director of Finance be and hereby is authorized and directed to request the Trustee to enter into this Amending Ordinance and to take such steps as are required by Section 14 of the General Bond Ordinance to secure the consent of not less than sixty-six and two-thirds (66-2/3) percent in aggregate principal amount of Outstanding Bonds to the amendments as described above. The passage of this Ordinance by the Council (subject to Sections 37 and 59 of

the City's Charter) shall be deemed to be the execution by the City of an amending ordinance as required by Section 14(b) of the General Bond Ordinance.

Section 7. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 8. Effective Date. This Ordinance is hereby declared to be an emergency measure providing for the immediate preservation of the public peace, property, health and safety, in order for the City to promptly proceed with the issuance of the Series 1996 Bonds and to proceed to implement the amendments to effect the elimination of the Reserve Account to achieve more efficiency in its financial management, and providing for the usual daily operation of municipal department, and provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period declared by law.

Execution by Trustee:

Star Bank, N.A., through the undersigned official of such Bank duly authorized to sign this Amending Ordinance on behalf of the Bank, with the consent of the holders of not less than sixty-six and two-thirds percent in aggregate principal amount of Outstanding Bonds hereby executes the above Amending Ordinance pursuant to Section 14 of the General Bond Ordinance.

STAR BANK, N.A.

By: _____

Dated: _____, 1996

Passed: _____, 1996

Effective: _____, 1996

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 1024-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the lease by requirement contract of golf carts at Seneca Golf Course and Highland Golf Course for the 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 hereby authorized and director to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease of the requirements for a period not to exceed one (1) year, commencing upon execution of a contract, of the

necessary items of golf carts, including maintenance and repair, in the estimated sum of \$50,000.00 for Highland Golf Course and \$34,000.00 for Seneca Golf Course, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation, and Properties.

Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a shorter period may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire period. The cost of said contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 2. The costs of the contracts authorized in Section 1 of this ordinance shall be paid from Fund 63 SF 001, Request No. 21401.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 1029-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to execute de-icing collection services, for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to execute de-icing collection services in the estimated sum of \$1,000,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a peri-

od less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20853)

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 1117-96.
By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an amendment to Contract No. 48530 with the Kenmore Construction Company to extend the term of the existing requirement contract for pavement grinding and project signs.

Whereas, pursuant to Ordinance No. 883-95, passed May 15, 1995, the Director of Public Service entered into Contract No. 48530 with Kenmore Construction Company for the public improvement by requirement contract of pavement grinding and project signs; and

Whereas, the existing contract expires in August 1996 prior to the completion of the present construction season; and

Whereas, the City and the contractor are willing to extend the requirement contract to November 30, 1996 under the same terms and conditions and, thus, enable the City to complete the current construction season without disruption and enter into future contracts for a complete construction season; and

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

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

Section 1. That the Director of Public Service is authorized to enter into an amendment to Contract No. 48530 with Kenmore Construction Company for the public improvement by requirement contract of pavement grinding and project signs. Said amendment shall extend the term of the contract for a period expiring November 30, 1996, and shall increase the total estimated amount of the contract by the sum of \$438,940.00, to be paid from Fund No. 10 SF 401, Request No. 21313. All other terms and conditions of the contract shall remain unchanged.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 1118-96.
By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance to amend the title, Section 2, and Section 4 of Ordinance No. 756-95, passed May 22, 1995, relating to the public improvement of constructing and reconstructing sidewalks, handicap ramps, and curbing and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements.

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, Section 2 and Section 4 of Ordinance No. 756-95, passed May 22, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance determining the method of making the public improvement of constructing and reconstructing sidewalks, handicap ramps, and curbing on the eastern, western, northern, southern and downtown districts of the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 1996.

Section 2. That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending on December 31, 1996, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

Section 4. That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the public improvement described in Section 3 with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending on December 31, 1996, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

Section 2. That the existing title, Section 2 and Section 4 of Ordinance No. 756-95, passed May 22, 1995, are hereby repealed.

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

Passed June 10, 1996.
Effective June 19, 1996.

Ord. No. 1119-96.
By Councilman Paulenske.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Office of Mayor White to stretch a banner on Superior Avenue near Public Square for the period from June 11, 1996 to June 30, 1996, inclusive, publicizing the U.S. Conference of Mayors.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Office of Mayor White to install, maintain and remove a banner on Superior Avenue near Public Square for the period from June 11, 1996 to June 30, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed

promptly upon the expiration of said permit.

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

Passed June 10, 1996.
 Effective June 19, 1996.

Ord. No. 1127-96.
By Councilman Johnson.
An emergency ordinance authorizing and directing the Director of Public Safety of the City of Cleveland to enter into a mutual aid contract with the City of Shaker Heights, Ohio for certain police protection activities pursuant to the authority of Section 737.04 of the Ohio Revised Code.

Whereas, the cities of Cleveland and Shaker Heights share common borders in the Shaker Square area; and

Whereas, pursuant to the authority of Section 737.04 of the Ohio Revised Code, a municipal corporation may enter into a contract with other municipal corporations to obtain police protection or additional police protection; and

Whereas, it is the desire of this Council to enter into a contract for the mutual interchange of police personnel in the area commonly

referred to as the Shaker Square neighborhood;

Now, therefore, be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety of the City of Cleveland be and he is hereby authorized and directed to enter into a mutual aid contract for police protection, pursuant to the authority of the Ohio Constitution and the Ohio Revised Code, with the City of Shaker Heights, Ohio for the area commonly known as Shaker Square neighborhood.

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

Passed June 10, 1996.
 Effective June 19, 1996 without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, June 17, 1996

Committee of the Whole: 9:00 A.M.
 — Present: Westbrook, Chrm.; Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, White, Willis, Zone.

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