

Ordinance No. 166-17

**Council Members Pruitt and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program and authorizing one or more contracts with public agencies to implement the Youth Summer Employment Program, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program, which include various projects for a period of one year, with a one-year option to renew exercisable by the Director of Public Utilities. If arranged by the Director of Public Utilities through negotiations with suburban communities, then youth summer employment opportunities may include activities in those communities.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts with public agencies to implement the Youth Summer Employment Program which include various projects for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Public Utilities.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. RQS 2002, RL 2017-8.

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

GB:nl
2-13-17

FOR: Director Davis

Council Members Pruitt and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program and authorizing one or more contracts with public agencies to implement the Youth Summer Employment Program, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

READ FIRST TIME on FEBRUARY 13, 2017
and referred to DIRECTORS of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance

REPORTS

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**PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

Ordinance No. 167-17

**Council Members Keane and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend the title of Ordinance No. 1473-15, passed February 8, 2016, relating to a Lease Agreement with Parker Hannifin Corporation for the lease of property located at 19600 Five Points Road for operation of an aircraft hangar and aircraft maintenance facility to add authority to issue rent credits; and to supplement the ordinance by adding new Sections 1a., 1b., and 1c.

WHEREAS, this ordinance constitutes an emergency measure providing for 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 of Ordinance No. 1473-15, passed February 8, 2016, is amended to read as follows:

An Emergency Ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Parker Hannifin Corporation for the lease of property located at 19600 Five Points Road for operation of an aircraft hangar and aircraft maintenance facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of ten years with three five-year options to renew, exercisable by the Director of Port Control; and authorizing the Director to issue rent credits to Parker Hannifin Corporation for costs associated with the expansion of the leased premises.

Section 2. That the existing title of Ordinance No. 1473-15, passed February 8, 2016, is repealed.

Section 3. That Ordinance No. 1473-15, passed February 8, 2016 is supplemented by adding new Sections 1a., 1b., and 1c. to read as follows:

Section 1a. That the Director of Port Control is authorized to issue rent credits to Lessee under the Lease authorized above for costs associated with the expansion of the Leased Premises, all as approved by the Director: (a) permitting Lessee to provide design and construction services for the purpose of expanding the Leased Premises, located at 19600 Five Points Road, and for related business expenses; (b) permitting Lessee to apply for and acquire necessary permits on behalf of the City of Cleveland for the construction of the expansion improvements; and (c) permitting Lessee to make any additional, related improvements.

Section 1b. That the cost of the improvements shall be credited against annual scheduled rent payments, amortized over five to ten years upon execution of the Lease, depending on the final cost of the project, and shall not exceed \$2.7 million.

Section 1c. That the Director is further authorized to execute any documents necessary and appropriate to issue such credits against rent.

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

JMcG:nl
2-13-17
FOR: Director Kennedy

Ord. No. 167-17

**REPORT
after second Reading**

Council Members Keane and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

To amend the title of Ordinance No. 1473-15, passed February 8, 2016, relating to a Lease Agreement with Parker Hannifin Corporation for the lease of property located at 19600 Five Points Road for operation of an aircraft hangar and aircraft maintenance facility to add authority to issue rent credits; and to supplement the ordinance by adding new Sections 1a., 1b., and 1c.

READ FIRST TIME on FEBRUARY 13, 2017 **REPORTS**
and referred to DIRECTORS of Port Control, Finance, Law;
COMMITTEES on Transportation, Finance

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PASSAGE RECOMMENDED BY
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Ordinance No. 168-17

Council Members Keane and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into an amendment to the existing Lease Agreement with I-X Center Corporation to extend the term of the lease for seven months until August 31, 2019.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Port Control is authorized to enter into an amendment to the existing Lease Agreement with I-X Center Corporation (the "Lease"), as authorized by Ordinance No. 68-94, passed January 18, 1994 as amended by Ordinance No. 77-99, passed January 14, 1999 and Ordinance No. 1327-08, passed November 10, 2008, to extend the term of the Lease, as amended, for seven months until August 31, 2019. All other terms and conditions of the Lease, as amended, shall remain in force and effect.

Section 2. That the Amendment shall be prepared by the Director of Law.

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

JMcG:nl
2-13-17

FOR: Director Kennedy

Ord. No. 168-17

**REPORT
after second Reading**

Council Members Keane and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

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FINANCE

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Ordinance No. 169-16

**Council Members McCormack, Brancatelli
and Kelley (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into an amendment to Contract No. CT 9501 LA 2011-66 with West 25th Street Lofts, LLC or their designee, to change certain terms of the loan.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. CT 9501 LA 2011-66 with West 25th Street Lofts, LLC or their designee, to change certain terms of the loan, which are identified in File No. 169-17-A.

Section 2. That the amendment shall be prepared by the Director of Law.

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

RB:bg
2-6-17

FOR: Acting Director Ebersole

**Council Members McCormack, Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into an amendment to Contract No. CT 9501 LA 2011-66 with West 25th Street Lofts, LLC or their designee, to change certain terms of the loan.

READ FIRST TIME on FEBRUARY 13, 2017

and referred to **DIRECTORS** of Economic Development, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

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**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

Ordinance No. 170-17

**Council Members McCormack, Brancatelli
and Kelley (by departmental request)**

AN EMERGENCY ORDINANCE

To amend the title and Section 1 of Ordinance No. 1440-15, passed December 7, 2015, and the title and Section 2 of Ordinance No. 1441-15, passed December 7, 2015.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the title and Section 1 of Ordinance No. 1440-15, passed December 7, 2015, is amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with Empire Paving, LLC or its designee, to provide economic development assistance to partially finance the redevelopment and acquisition of property located at 2910 West 3rd Street.

Section 1. That the Director of Economic Development is authorized to enter a forgivable loan agreement under the Vacant Property Initiative with Empire Paving, LLC, or its designee, in an amount of \$180,000, to partially finance the redevelopment and acquisition of property located at 2910 West 3rd Street, and other associated costs necessary to redevelop the property.

Section 2. That the title and Section 2 of Ordinance No. 1441-15, passed December 7, 2015, is amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a Purchase Agreement and/or Option to Purchase Agreement with Empire Paving, LLC or its designee, relating to the sale, remediation, and development of City owned property located at 2910 West 3rd Street and authorizing the Commissioner of Purchases and Supplies to convey the properties, which are no longer needed for the City's public use.

Section 2. 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 Economic Development is authorized to enter into a Purchase Agreement and/or Option to Purchase Agreement with Empire Paving, LLC, or its designee ("Empire") relating to the sale, remediation, and development of the Property.

Section 3. That existing title and Section 1 of Ordinance No. 1440-15, passed December 7, 2015, and the title and Section 2 of Ordinance 1441-15, passed December 7, 2015, are repealed.

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

RB:bg
2-13-17

FOR: Interim Director Ebersole

Ord. No. 170-17

**Council Members McCormack, Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend the title and Section 1 of Ordinance No. 1440-15, passed December 7, 2015, and the title and Section 2 of Ordinance No. 1441-15, passed December 7, 2015.

READ FIRST TIME on FEBRUARY 13, 2017

**and referred to DIRECTORS of Economic Development, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance**

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**REPORT
after second Reading**

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
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FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

Ordinance No. 171-17

**Council Members McCormack, Brancatelli
and Kelley (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 515 Euclid Avenue, LLC, or its designee, as part of the Beacon Apartments Project to be located at 515 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

WHEREAS, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

WHEREAS, the City has entered into the chain of title for the Property which is more particularly described in the File set forth in this ordinance (the "Real Property") pursuant to the requirements of Section 5709.41 of the Revised Code prior to the passage of this ordinance; and

WHEREAS, the Real Property is to be developed in accordance with the Cleveland 2020 Citywide Plan, a copy of which is placed in File No. 171-17-A; and

WHEREAS, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

WHEREAS, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

WHEREAS, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

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WHEREAS, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; 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 improvements to be constructed by 515 Euclid Avenue, LLC, or its designee, ("Redeveloper"), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code. The Real Property is more fully described as follows:

Parcel No. 2 (PPN 101-26-355)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being "The Above the Roof Parcel" in the Revised Consolidation Plat and Air Rights Lot Split for OSF Properties, Inc. of part of Original Two Acre Lot Nos. 91 and 92, as shown by the recorded plat in Volume 329 of Maps, Page 79 of Cuyahoga County Records.

Together with a Non-Exclusive Appurtenant Easement for ingress and egress filed for record August 17, 1875 in Volume 246, Page 513B of Cuyahoga County Records.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of thirty years; and that in no event shall the exemption period extend beyond 2050. The terms of the agreement are as follows:

**DEPARTMENT OF ECONOMIC DEVELOPMENT
LEGISLATIVE SUMMARY**

<u>Project Type:</u>	Real Estate Development
<u>Project Name:</u>	The Beacon Apartments on Euclid
<u>Project Address:</u>	515 Euclid Avenue
<u>Developer:</u>	515 Euclid Avenue LLC (Joint Venture between Robert Stark & Reuven Dessler or Designees)
<u>Project Manager:</u>	Kevin Schmotzer
<u>Ward/Councilperson:</u>	3 – Kerry McCormack
<u>City Assistance:</u>	Non-school TIF

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Project Site:



Project Summary and Discussion

515 Euclid Avenue LLC (“The Developer”) is proposing a new residential high-rise along the Euclid Corridor in downtown Cleveland. The property is owned by Euclid Avenue Garage, LLC and Samal Euclid LLC as tenants in common. The proposed development, approximately \$62.2 million with the acquisition of air rights, new construction, soft costs & financing fees, will be built atop the existing 7-story, 524-space garage, located at 515 Euclid Avenue in downtown Cleveland. The garage was built in 2004. The developer is proposing to construct approximately 187 residential rental apartment units, a rooftop deck, an entertainment/social room and a built-in dog park as part of the project. New construction involves adding 19 new residential floors atop the parking garage. The Beacon, when completed, will be a steel structure with approximately 28.5 stories including the garage with a height of 338 ft. The developer estimates Sixty percent of the apartments will be one bedroom with the remainder being two bedroom units. The building will be LEED certified according to the City’s Green Building Code upon project completion.

Developer

The developer, 515 Euclid Avenue LLC, and/or Designee, is a joint venture with Bob Stark of Stark Enterprises and Reuven Dessler, managing partner of the investor group that owns the 515 Euclid garage.

Proposed City Assistance:

The request to Cleveland City Council is to authorize the Director of Economic Development to enter Tax Increment Financing (“TIF”) agreement with 515 Euclid Avenue LLC or designee. Parcels will be subject to a 41 TIF under section 5709.41 of the Ohio Revised Code in consideration for the developer agreeing to make certain improvements to those parcels and agreeing to make payments in lieu of taxes (PILOT) equal to the taxes that would have been paid for those parcels but for the TIF. The TIF funds will be used to pay off debt service associated with the project. The payments will go through a trustee. This TIF agreement will be up to

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30 years in length. The City will declare certain improvements with respect to the project to be a public purpose and exempt 100% of the improvements from real property taxes.

Under the agreement, parcels acquired and re-conveyed to the developer will be “TIFed” under section 5709.41 of the Ohio Revised Code in consideration for the developer agreeing to make certain improvements to those parcels, and agreeing to make payments in lieu of taxes (PILOT) equal to the taxes that would have been paid for those parcels but for the TIF. A portion of the PILOT will be paid to the Cleveland Municipal School District in the amount the District would have otherwise received but for the TIF.

Economic Impact

- Estimated 3 FTE (\$92,700 annual payroll)
- 300-500 estimated construction jobs (payroll estimated at \$26 million);
- \$77,137 estimated City Income tax generated from estimated residents;
- Once stabilized, the project is expected to generate approximately \$429,874 in annual property taxes for the School District upon expiration of the residential tax abatement.
- Over the 30-year term of the TIF, the project is expected to generate approximately \$2,314,110 in residence taxes, \$81,000 in income taxes for the City and \$6,448,110 for the Cleveland School District.

City Requirements

- The project is subject to Fannie M Lewis Cleveland Residential Employment Law.
- The project is subject to MBE/FBE/CSB
- The project is subject to a Workforce Development Agreement for all new jobs.

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of thirty years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

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Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in this ordinance, which agreement or agreements shall contain those terms contained in this ordinance.

Section 6. That under Section 5709.43 of the Revised Code, there is established an identified Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited service Payments in Lieu of Taxes ("PILOTS") which shall be used for the purposes described in this ordinance, or File, or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

RB:nl
2-13-17

FOR: Interim Director Ebersole

**Council Members McCormack, Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 515 Euclid Avenue, LLC, or its designee, as part of the Beacon Apartments Project to be located at 515 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

READ FIRST TIME on FEBRUARY 13, 2017

REPORTS

**and referred to DIRECTORS of Economic Development, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance**

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DEVELOPMENT, PLANNING AND
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FILED WITH COMMITTEE

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COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

Ordinance No. 172-17

AN EMERGENCY ORDINANCE

Designating Cleveland Fire Department Engine Company Station #31 as a Cleveland Landmark.

Council Member Polensek

WHEREAS, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Cleveland Fire Department Engine Company Station #31 as a landmark; and

WHEREAS, a public hearing under division (b)(2) of Section 161.04 was held on April 14, 2016 to discuss the proposed designation of Cleveland Fire Department Engine Company Station #31 as a landmark; and

WHEREAS, the Commission has recommended designation of Cleveland Fire Department Engine Company Station #31 as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Cleveland Fire Department Engine Company Station #31 whose street address in the City of Cleveland is 747 East 152nd Street, Cuyahoga County Auditor's Permanent Parcel Number is 115-21-083, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 6 and all of Sublot No. 7 in the W.F. Walworth's Allotment of part of Original Lot No. 42, Tract No. 10, Euclid Township as shown in Volume 7 of Maps, Page 30 of Cuyahoga County records and being a parcel of land bounded and described as follows:

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Beginning at a point 250.00 feet North of the Northerly line of Aspinwall Avenue (50.00 feet wide) on the Easterly line of East 152nd Street (formerly Collamer Avenue, 60.00 feet wide), and the most Southerly line of Sublot No. 7; thence continuing Northerly along the Easterly line on East 152nd Street, 99.00 feet to the Southerly line of land conveyed to Antonio Capra, by deed dated May 13, 1976 and recorded in Volume 14265, Page 263 of Cuyahoga County Records; thence Easterly, 155.00 feet along the Southerly line of land so conveyed to Antonio Capra to the Southeasterly corner thereof; thence Southerly, 99.00 feet along the Easterly line of said Sublot Nos. 6 and 7 to the Southeasterly corner thereof; thence Westerly 155.00 feet along the Southerly line of said Sublot No. 7 to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

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

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

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

DP/KB
2/13/17
Council Member Polensek

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Council Member Polensek

AN EMERGENCY ORDINANCE

Designating Cleveland Fire Department Engine Company Station #31 as a Cleveland Landmark.

READ FIRST TIME on FEBRUARY 13, 2017

**and referred to DIRECTORS of City Planning Commission, Law;
COMMITTEE on Development Planning and Sustainability**

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