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

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Skyline Investments Inc., or its designee, located at 24 Public Square for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Hotel Cleveland Project.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and reconvey to, Skyline Investments Inc., or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

The Renaissance Hotel Legal Descriptions

101-23-006B 101-23-007 101-23-010 101-23-011B

PARCEL NO. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots Nos. 81 and 82, and bounded and described as follows:

Beginning at the intersection of the Southeasterly line of Superior Avenue, N.W., with the Southwesterly line of Public Square; thence South 33 degrees 25' 15" East along said southwesterly line of Public Square, 140 feet; thence South 56 degrees 34' 25" West parallel with said Southeasterly line of Superior Avenue, N.W., 233.3 feet to the Northeasterly line of West 3rd Street (now vacated); thence South 56 degrees 28' 40" West at right angles to said Northeasterly line of West 3rd Street, 33 feet to the center line of said West 3rd Street; thence North 33 degrees 31' 20" West along said center line of West 3rd Street, 40 feet; thence North 56 degrees 28' 40" East, 33 feet to the most Southerly corner of land leased by Marie M. Ingersoll and Albert Y. Merian to The Sedgewick Land Company by Lease recorded in Volume 72, Page 188 of the Lease Records of Cuyahoga County Records; thence North 56 degrees 34' 25" East along the Southeasterly line of land leased to The Sedgewick Land Company as aforesaid, 100.320 feet to the most Easterly corner thereof; said most Easterly corner being in the Northeasterly line of said Original Two Acre Lot No. 81; thence Northwesterly along the Northeasterly line being also the Northeasterly line of said Original Two Acre Lot No. 81, 100 feet to said Southeasterly line of Superior Avenue, N.W.; thence North 56 degrees 34' 25" East

along said Southeasterly line of Superior Avenue, N.W., 133.098 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being that portion of the following described premises designated as Lots "A" and "B", above the planes referred to in the deed from The Union Trust Company to The Cleveland Terminals Company dated April 20, 1927, filed for record on April 20, 1927 and recorded in Volume 3563, Page 199 of Cuyahoga County Records; said planes being more particularly set forth on a Map attached to said deed as an exhibit thereto (of which map showing said planes, a copy, modified to show (a) the effect of the vacation of West Third Street, (b) certain additional data, and (c) an appropriate legend of identification, was attached to the Mortgage from the Cleveland Sheraton Corporation to The Prudential Insurance Company of America dated May 25, 1962, filed for record May 25, 1962 and recorded in Volume 10778, Page 11 of Cuyahoga County Records (the "Prudential Mortgage" and marked "Exhibit A" thereof); said premises being bounded and described as follows:

Lot A: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots Nos. 81 and 82, bounded and described as follows: Beginning at a point on a line 140 feet distant Southerly from Superior Avenue, N.W., and parallel therewith, said point being 24.71 feet Westerly from the Westerly line of Public Square; thence from said point of beginning Southerly along a line parallel with the Westerly line of the Public Square and 24.71 feet therefrom a distance of 57 feet; thence Westerly along a line parallel with the Southerly line of Superior Avenue, N.W., and 197 feet distant Southerly at right angles therefrom, 208.489 feet to a point in the Easterly line of West 3rd Street (now vacated); thence Westerly at right angles to said Easterly line of West 3rd Street, 33 feet to the center line of West 3rd Street; thence Easterly at right angles to the center line of West 3rd Street, 57 feet; thence Easterly at right angles to the center line of West 3rd Street, 33 feet to a point in the Easterly line of West 3rd Street, 140 feet Southerly (measured along said Easterly line) from the Southerly line of Superior Avenue, N.W.; thence Easterly along a line parallel with Superior Avenue, N.W., and 140 feet distant Southerly at right angles therefrom, 208.59 feet to the point of beginning, be the same more or less, but subject to all legal highways.

Excepting from the above, the following three parts thereof;

First Part: (Storage Parcel)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 82 and also known as all of the premises extending above a plane which coincides with the lower surface of the fireproofing of the building girder at approximate elevation 81.00 feet and below a plane which coincides with the lower surface of the fireproofing of the building girder at approximate elevation 96.00 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width; Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 65.57 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described; thence South 33 degrees 25' 15" East a distance of 16.21 feet to a point;

Thence South 56 degrees 34' 25" West along the centerline of a wall a distance of 8.25 feet to a point; Thence North 33 degrees 25' 15" West along the centerline of a wall a distance of 4.00 feet to a point;

Thence South 56 degrees 34' 25" West along the centerline of a wall a distance of 14.50 feet to a point;

Thence South 33 degrees 25' 15" East along the centerline of a wall a distance of 2.13 feet to a point;

Thence South 56 degrees 34' 25" West along the centerline of a wall a distance of 5.17 feet to a point;

Thence North 33 degrees 25' 15" West along the centerline of a wall a distance of 14.34 feet to a point which bears South 56 degrees 34' 25" West from the True Place of Beginning;

Thence North 56 degrees 34' 25" East a distance of 27.92 feet to a point which is the True Place of Beginning and containing 0.0088 Acres of land, more or less, as determined in January 1988, by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

Second Part:

(Lower Greenbriar)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 82 and also known as all of the premises extending above a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 246.17 feet and below elevation 248.67 feet, City of Cleveland, Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square a distance of 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 24.71 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence South 33 degrees 25' 15" East a distance of 57.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 24.08 feet to a point;

Thence North 33 degrees 25' 15" West along the centerline of a wall a distance of 57.00 feet to a point bearing South 56 degrees 34' 25" West from the True Place of Beginning;

Thence North 56 degrees 34' 25" East a distance of 24.08 feet to a point which is the True Place of Beginning and containing 0.0315 Acres of land, more or less, as determined in January 1988 by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

Third Part:

(Upper Greenbriar)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No.82 and also known as all of the premises extending above elevation 248.67 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square a distance of 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 21.58 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence continuing South 56 degrees 34' 25" West a distance of 3.13 feet to a point;

Thence South 33 degrees 25' 15" East a distance of 57.00 feet to a point; Thence South 56 degrees 34' 25" West a distance of 24.75 feet to a point;

Thence North 33 degrees 25' 15" West along the outside face of a wall a distance of 58.50 feet to a point; Thence North 56 degrees 34' 25" East along the outside face of a wall a distance of 27.88 feet to a point;

Thence South 33 degrees 25' 15" East along the outside face of a wall a distance of 1.50 feet to a point, which is the True Place of Beginning and containing 0.0334 Acres of land, more or less, as determined in January, 1988 by Gary R. Rouse, Registered surveyor with Giffels, Bergstrom & Fricker, Inc.

Lot B: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 81 and 82, bounded and described as follows: Beginning at a point in the Northeasterly line of West 3rd Street (now vacated), bearing South 33 degrees 31' 20" East along said Northeasterly line, 197 feet from the Southeasterly line of Superior Avenue, N.W.; thence North 56 degrees 34' 25" East parallel with said Southeasterly line of Superior Avenue, N.W., and distant 197 feet Southeasterly, measured at right angles therefrom, 170.578 feet to an angle in the Westerly line of lands described in a deed to The Cleveland Union Terminals Company, dated December 1, 1926, and recorded in Volume 3563, Page 24 of Cuyahoga County Records, said angle being the intersection of Course No. 14 with Course No. 15 of said lands as described in said deed; thence South 05 degrees 56' 55" West along

said Course No. 14, 112.160 feet to a point; thence North 84 degrees 03' 05" West along Course No. 13 of said lands as described in said deed to The Cleveland Union Terminals Company, 42.667 feet to a point; thence south 05 degrees 56' 55" West along Course No. 12 of said lands as described in said deed to The Cleveland Union Terminals Company, 104.365 feet to said Northeasterly line of West 3rd Street; thence South 56 degrees 28' 40" West on a line at right angles to said Northeasterly line of West 3rd Street to its intersection with the Northerly line of the viaduct for Prospect Avenue, N.W., as shown on the plat recorded in Volume 120 of Maps, Page 37 of Cuyahoga County Records; thence Westerly along the Northerly line of said viaduct to its intersection with the center line of West 3rd Street; thence North 33 degrees 31' 20" West along said center line of West 3rd Street to its intersection with a line drawn South 56 degrees 28' 40" West at right angles to the Northeasterly line of West 3rd Street from the place of beginning; thence North 56 degrees 28' 40" East, 33 feet to the place of beginning, be the same more or less, but subject to all legal highways, but excepting therefrom the following described part thereof:

(Court Parcel)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lots Nos. 81 and 82 and also known as all of the premises extending above a plane which coincides with the lower surface of the fireproofing of the building girders at approximately elevation 83.00 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said Southwesterly line of Public Square a distance of 140.00 feet to point;

Thence' South 56 degrees 34' 25" West a distance of 65.57 feet to a point;

Thence South 33 degrees 25' 15" East a distance of 57.00 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence North 56 degrees 34' 25" East a distance of 2.95 feet to a point;

Thence South 05 degrees 56' 55" West a distance of 112.16 feet to a point;

Thence North 84 degrees 03' 05" West a distance of 19.50 feet to a point; Thence North 05 degrees 56' 55" East a distance of 96.16 feet to a point;

Thence North 05 degrees 56' 55" East a distance of 96.16 feet to a point;

Thence North 56 degrees 34' 25" East a distance of 22.28 feet to a point which is the True Place of Beginning and containing 0.0466 Acres of land, more or less, as determined in December 1987 by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

PARCEL NO.3

(Parking and Hall)

That portion of the premises hereinafter described extending upward from and having at its lower boundary, the plane at Elevation 83.0, City of Cleveland Datum: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots Nos. 79 and 80 in said City, and bounded and described as follows: Beginning at the intersection of the Southeasterly line of Superior Avenue N.W., with the center line of West 3rd Street (now vacated), which point of intersection bears South 56 degrees 34' 25" West along said Southeasterly line of Superior Avenue, N.W., 266.548 feet from the Southwesterly line of Public Square; thence South 56 degrees 34' 25" West along said Southeasterly line of Superior Avenue, N.W., 84.885 feet; thence South 33 degrees 25' 35" East 61.032 feet to an angle; thence South 5 degrees 56' 55" West 147.419 feet to the Northerly line of the Viaduct for Prospect Avenue, N.W., as shown on plat recorded in Volume 120, Page 37 of the Map Records of Cuyahoga County, Ohio; thence South 84 degrees 03' 05" East along said Northerly line of said Viaduct, 231.491 feet to said center line of West 3rd Street (now vacated); thence North 33 degrees 31' 20" West along said center line of West 3rd Street (now vacated) 321.845 feet to the place of beginning.

PARCEL NO. 4

(Omitted)

PARCEL NO. 5

(French Connection)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 82 and also known as all of the premises extending above a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 97.0

feet and below a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 107.00 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square a distance of 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 24.71 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence continuing South 56 degrees 34' 25" West a distance of 40.86 feet to a point;

Thence South 33 degrees 25' 15" East a distance of 57.00 feet to a point;

Thence North 56 degrees 34' 25" East a distance of 40.86 feet to a point;

Thence North 33 degrees 25' 15" West a distance of 57.00 feet to a point which is the True Place of Beginning and containing 0.0535 Acres of land, more or less, as determined in January 1988 by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

PARCEL NO. 6

(Airline Space)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 82 and also known as all of premises extending above a finished floor elevation of approximately 85.00 feet and below a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 97.0 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square a distance of 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 19.11 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence South 33 degrees 25' 15" East along the outside face of a structural wall a distance of 12.43 feet to a point;

Thence South 56 degrees 34' 25" West along the outside face of a structural wall a distance of 1.15 feet to a point;

Thence South 33 degrees 25' 15" East along the outside face of a structural wall a distance of 1.02 feet to a point;

Thence South 56 degrees 34' 25" West along the outside face of a structural wall a distance of 2.06 feet to a point;

Thence South 33 degrees 25' 15" East along the outside face of a structural wall a distance of 4.21 feet to a point;

Thence South 56 degrees 34' 25" West along the centerline of a wall a distance of 6.00 feet to a point;

Thence South 33 degrees 25' 15" East along the centerline of a wall a distance of 1.55 feet to a point;

Thence South 56 degrees 34' 25" West along the centerline of a wall a distance of 3.11 feet to a point;

Thence North 78 degrees 25' 35" West along the centerline of a wall a distance of 4.58 feet to a point;

Thence North 33 degrees 25' 15" West along the centerline of a wall a distance of 15.97 feet to a point which bears South 56 degrees 34' 25" West from the True Place of Beginning;

Thence North 56 degrees 34' 25" East a distance of 15.56 feet to a point which is the true Place of Beginning and containing 0.00061 Acres of land, more or less, as determined in January, 1988 by Gary R. Rouse, Registered Surveyor with Giffles, Bergstrom & Fricker, Inc.

PARCEL NO. 7

(Basement Space)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 81 and also known as all of the premises extending above a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 70.40 feet and below a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 81.00 feet, City of Cleveland datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of Public Square 140.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 185.81 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence continuing South 56 degrees 34' 25" West a distance of 47.49 feet to a point on the northeasterly line of West 3rd Street, 66 feet wide (now vacated);

Thence South 56 degrees 28' 40" West a distance of 33.00 feet to a point on the centerline of said vacated West 3rd Street;

Thence South 33 degrees 31' 20" East a distance of 57.00 feet to a point;

Thence North 56 degrees 28' 40" East a distance of 33.00 feet to a point on the northeasterly line of said West 3rd Street;

Thence North 56 degrees 34' 25" East a distance of 47.49 feet to a point;

Thence North 33 degrees 25' 15" West along the centerline of columns a distance of 57.00 feet to a point which is the True Place of Beginning and containing 0.1054 Acres of land, more or less, as determined in December, 1987 by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

EASEMENT PARCEL NO. 8

(Basement Easement)

Non-Exclusive Easement for utility purposes created in the instrument from Terminal Management, Inc., and Tower City Properties to Public Square Hotel Community Urban Redevelopment Corporation, filed for record on September 28, 1988 and recorded in Volume 88-5030, Page 33 of Cuyahoga County Records, within the following described premises:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Two Acre Lots No. 81 and 82 and also known as all of the premises extending above a plane which coincides with the lower surface of the Fireproofing of the building girders at approximate elevation 70.40 feet and below a plane which coincides with the lower surface of the fireproofing of the building girders at approximate elevation 81.00 feet, City of Cleveland Datum Base Level, and more fully described as follows:

Beginning on the southwesterly line of the Public Square at its intersection with the southeasterly line of Superior Avenue, 132 feet in width;

Thence South 33 degrees 25' 15" East along said southwesterly line of The Public Square 140.00 feet to a point;

Thence South 56 degrees 34' 15" West a distance of 24.71 feet to a point which is the True Place of Beginning (T.P.B.) for the parcel of land herein described;

Thence South 33 degrees 25' 15" East a distance of 57.00 feet to a point;

Thence South 56 degrees 34' 25" West a distance of 161.10 feet to a point;

Thence North 33 degrees 25' 15" West along the centerline of columns a distance of 57.00 feet to a point bearing South 56 degrees 34' 25" West from the True Place of Beginning;

Thence North 56 degrees 34' 25" East a distance of 161.10 feet to a point which is the True Place of Beginning and containing 0.2108 Acres of land, more or less, as determined in December 1987 by Gary R. Rouse, Registered Surveyor with Giffels, Bergstrom & Fricker, Inc.

101-23-008 101-23-009

Parcel 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known and described as follows, to-wit:

Being the northerly part of Original Lot No. 81 and bounded as follows: Northerly by Superior Avenue, easterly by the easterly line of said Original Lot No. 81, southerly by line parallel with the southerly line of Superior Avenue and One Hundred (100) feet southerly therefrom, and westerly by the east line of Seneca Street, now known as W. Third Street, and being about Ninety-Nine feet Ten Inches front on the southerly side of Superior Avenue and extending back One Hundred (100) feet deep.

Parcel 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 81 and being further known as part of West 3rd Street vacated by Ordinance No. 86255, passed February 4, 1929, and bounded as follows:

Beginning on the Southeasterly line of Superior Avenue N.W., 132 feet wide, at the Northwesterly corner of said Original Lot No. 81; thence Northeasterly along said Southeasterly line of Superior Avenue N.W., 33.00 feet; thence Southeasterly on a line parallel with the Southwesterly line of said Original Lot No. 81, 100.00 feet; thence Southwesterly at right angles with said last described line, 33.00 feet to the Southwesterly line of said Original Lot No. 81; thence Northwesterly along said Lot line, about 100.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and to cause Skyline Investments Inc., or its designee, to pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the property.

Section 3. That this Council finds the conveyances are in compliance with Section 5709.41(B)(1) of the Revised Code and the proposed improvements constitute and are declared a public purpose under said section and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland.

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

SMa:nl 9-20-2021

FOR: Interim Director Ebersole

Ord. No. 759-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Skyline Investments Inc., or its designee, located at 24 Public Square for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Hotel Cleveland Project.

REPORTS

READ FIRST TIME on SEPTEMBER 20, 2021 and referred to DIRECTORS of Economic Development, City Planning Commission, Finance, Law; COMMITTEES on Development Planning and Sustainability, Finance		
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Recorded Vol. 108 Pag Published in the City Record	ge	•

REPORT after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY		
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