

RESOLUTION NO. 1980- 150

AUTHORIZING THE PRESIDENT OF THE BOARD OF TRUSTEES TO EXECUTE A RIGHT-OF-ENTRY TO THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND AUTHORIZING NEGOTIATIONS FOR THE SALE AND CONVEYANCE OF A PERMANENT EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A 24-INCH SANITARY SEWER AT THE BROOKPARK RAPID STATION

WHEREAS, the Northeast Ohio Regional Sewer District is a political subdivision of the State of Ohio formed pursuant to Ohio Revised Code 6119 et seq; and

WHEREAS, the Northeast Ohio Regional Sewer District requires a Right-Of-Entry upon the Brookpark Rapid Station premises for construction and installation of a 24-inch sanitary sewer; and

WHEREAS, the Sewer District will pay fair and just compensation to the Greater Cleveland Regional Transit Authority; and

WHEREAS, the Sewer District will take Right-Of-Entry and Easement subject to all leases, reservations and easements, both recorded and unrecorded; and

WHEREAS, the Sewer District will provide for complete restoration of the Authority's premises; and

WHEREAS, the Sewer District will indemnify and hold harmless the Greater Cleveland Regional Transit Authority from any and all claims, demands, actions or judgments arising out of the construction, ownership, operation and maintenance of said sewer and related easements;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the President of the Board of Trustees be and he is hereby authorized to execute a Right-Of-Entry with the Northeast Ohio Regional Sewer District. That said Right-Of-Entry shall be 60 feet wide and 588 plus feet long and shall conform to the attached drawing marked as Exhibit A.

Section 2. That the Greater Cleveland Regional Transit Authority is hereby authorized to enter into negotiations with the Sewer District to determine the compensation to be paid for the Permanent Easement sought by the Sewer District.

Section 3. That the terms and conditions of the Right-Of-Entry Agreement shall provide, in addition to fair and just compensation, the following:

- A. Any easement shall be subject to all leases, reservations, restrictions and easements both recorded and unrecorded;
- B. The Sewer District shall completely restore the premises in like or better condition;
- C. Not block the entrance driveway to the parking lot;
- D. The Sewer District shall indemnify and hold harmless the Greater Cleveland Regional Transit Authority from any and all claims, demands, actions or judgments arising out of the construction, ownership, operation and maintenance of said sewer.

Section 4. That the Terms and Conditions of the easement and amount of the compensation shall be subject to final approval of the Board of Trustees.

Section 5. That the President of the Board of Trustees be and he is hereby authorized to execute any and all other documents, agreements, applications or authorizations necessary to accomplish the intent and purpose of this Resolution.

Section 6. That this Resolution is effective immediately upon its adoption.

Adopted: April 15, 1980

Henry Williams

Attest:

William C. Schwan
"Secretary-Treasurer"