

RESOLUTION NO. 1985-88

AUTHORIZING AND DIRECTING THE GENERAL COUNSEL TO COMMENCE NEGOTIATIONS WITH THE CITY OF MAPLE HEIGHTS FOR THE ACQUISITION OF THE MAPLE HEIGHTS TRANSIT SYSTEM, AND TERMINATING THE PUBLIC TRANSPORTATION OPERATING AGREEMENT EFFECTIVE SEPTEMBER 1, 1985

WHEREAS, the resolutions of the Board of County Commissioners of Cuyahoga County and the City of Cleveland, creating the Greater Cleveland Regional Transit Authority, determined that the creation of a regional transit authority is necessary to provide a coordinated, consolidated, comprehensive, public mass transportation system for Cuyahoga County;

WHEREAS, the Greater Cleveland Regional Transit Authority has acquired the municipal transit systems owned and operated by the City of Cleveland, the City of Shaker Heights and the City of Euclid;

WHEREAS, Cleveland, Shaker Heights and Euclid transferred their publicly owned municipal transit systems to the Greater Cleveland Regional Transit Authority with the understanding that the enactments creating the Greater Cleveland Regional Transit Authority contemplated the transfer to the Greater Cleveland Regional Transit Authority of the transit systems owned by those cities and the transit systems owned by other municipal corporations in Cuyahoga County;

WHEREAS, the Public Transportation Operating Agreement, dated January 21, 1976, between the Greater Cleveland Regional Transit Authority and the City of Maple Heights contemplated that the Greater Cleveland Regional Transit Authority may eventually assume ownership, operation and control of the City of Maple Heights's scheduled bus service;

WHEREAS, the Board of Trustees, pursuant to Resolution No. 1979-62, directed that the operating agreement with Maple Heights should expire and all disputes be submitted to court if an agreement for the ultimate acquisition of the Maple Heights Transit System was not concluded;

WHEREAS, this matter has been litigated in both state and federal courts and those courts have determined that it is within the discretion of the Board to either extend the operating agreement, or enter into a mutually acceptable acquisition agreement or provide transit service in the City of Maple Heights; and

WHEREAS, it is the policy of the Board to establish one unified public transit system in Cuyahoga County.

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

Section 1. That the General Counsel be and he is hereby directed and authorized to commence negotiations with the City of Maple Heights for the acquisition of the Maple Heights Transit System, in accordance with the legal options available to the Board to continue the operating agreement or enter into a mutually acceptable acquisition agreement or to provide transit service in Maple Heights.

Section 2. That any acquisition agreement shall include a provision providing assurances of employment by the Greater Cleveland Regional Transit Authority to employees of the Maple Heights Transit System.

Section 3. That in the event a mutually acceptable acquisition agreement is not concluded by July 1, 1985, the authority granted to the General Counsel to negotiate such agreement is revoked and he is hereby directed and authorized to take whatever legal action he feels is necessary to protect the proprietary interest of the Greater Cleveland Regional Transit Authority in capital improvements to the Maple Heights Transit System which were financed by the Greater Cleveland Regional Transit Authority pursuant to the 1975 operating agreement.

Section 4. That in the event a mutually acceptable acquisition agreement is not concluded by July 1, 1985, the General Manager is hereby authorized and directed to implement plans to provide transit service in those areas now served by the Maple Heights Transit System, effective September 1, 1985.

Section 5. That the Public Transportation Operating Agreement, dated January 21, 1976, between the Greater Cleveland Regional Transit Authority and the City of Maple Heights be and is hereby terminated effective September 1, 1985.

Section 6. That this resolution shall be effective upon its adoption.

Adopted: April 16, 1985

Harry Alexander
Vice President

Attest: Robert J. Landgraf
Secretary-Treasurer