

RESOLUTION NO. 1990 - 147

A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN OFFICIAL DEED INSTRUMENT WITH THE JAKE DWORKIN TRUST "B" (SUCCESSOR IN INTEREST TO JAKE AND EVA DWORKIN) WHICH WILL CANCEL AND FOREVER TERMINATE THE EASEMENT AND/OR RIGHT-OF-WAY FOR PREMISES LOCATED AT OR NEAR 5400 HARVARD AVENUE, IN THE CITY OF CLEVELAND.

WHEREAS, in June of 1970, the Cleveland Transit System (CTS) and Jake and Eva Dworkin (DWORKINS) entered into an agreement whereby CTS conveyed to the DWORKINS premises located at or near 5400 Harvard Avenue, in the City of Cleveland, in consideration of the sum of Eight Thousand One Hundred Fifty Dollars (\$8,150.00);

WHEREAS, the referenced deed document reserved within CTS certain perpetual easement and/or right-of-way interests on certain areas of the subject property so long as CTS used said areas as a turnaround in connection with the operation of a public transportation system; and

WHEREAS, the referenced deed document required CTS to maintain and keep in repair the area of the premises subject to the easement and/or right-of-way interests so long as CTS used said areas as a turnaround in connection with the operation of a public transportation system; and

WHEREAS, the GCRTA, as a successor in interest to CTS, also has the same easement and/or right-of-way interests over the subject property as did CTS; and

WHEREAS, pursuant to a lack of usage of the site as a bus turnaround and the potential economic costs relating to the requirement of maintenance of the site, the use of the subject premises as a bus turnaround was terminated on December 1, 1989; and

WHEREAS, since the perpetual easement or right-of-way reserved unto GCRTA runs with the land and title thereto, an official deed document must be executed, canceling all interests of the GCRTA in order to clear title to the subject premises.

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 Manager is hereby authorized to execute an official deed document with the JAKE DWORKIN TRUST "B" (successor in interest to Jake and Eva Dworkin) which will cancel and forever terminate the easement and/or right-of-way for premises located at or near 5400 Harvard Avenue, in the City of Cleveland.

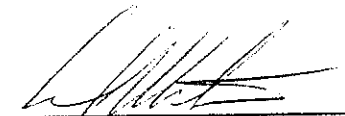
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Section 2: That the General Manager is authorized to execute and sign any and all instruments necessary to execution of this deed document.

Section 3: That this resolution shall become effective immediately upon its adoption.

Adopted: August 21, 1990

Attest: 
General Manager/Secretary-Treasurer


President

P R O P O S E D
OFFICIAL DEED

CITY OF CLEVELAND
REGIONAL TRANSIT AUTHORITY
TO
JAKE DWORKIN TRUST "B"

KNOW ALL MEN BY THESE PRESENTS: That the City of Cleveland, a municipal corporation of the State of Ohio, and the Regional Transit Authority, (successor to Cleveland Transit System), the Grantors, for valuable consideration received to their full satisfaction of the Jake Dworkin Trust "B", the Grantee, have given, granted, remised, released and forever quitclaimed, and by these presents does absolutely give, grant, remise, release and forever quitclaim unto the Jake Dworkin Trust "B", its successors or assigns, the following described real property:

Situated in the Village of Cuyahoga Heights, County of Cuyahoga, State of Ohio. Being part of Original Lot No. 308.

Beginning at the intersection of the centerline of E. 55th Street, S.E. and the centerline of Harvard Avenue, S.E., thence South $0^{\circ} 32' 30''$ West, 130.00 to a point; thence South $89^{\circ} 01' 00''$ West, 150.00 feet to a point; thence North $8^{\circ} 14' 08''$ West, 131.00 feet to a point; thence North $89^{\circ} 01' 00''$ East, 170.00 feet to the principal place of beginning. Containing 20,790.66 square feet more or less, but subject to all legal highways.

TO HAVE AND TO HOLD the premises aforesaid to the said Grantee, its successors and assigns, forever, so that neither the said Grantors, nor their successors and assigns, nor any other person or persons claiming title through or under it shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof; but they and everyone of them shall by these presents be excluded and forever barred.

The purpose of this deed is to cancel, and forever terminate the easement and/or right-of-way over the above-described premises used as a turnaround for the Grantors' buses and other vehicles in connection with the Grantors' operation as a public transportation system, and, which easement provides that, in event the Grantors cease the use of said premises as a turnaround in connection with its operation as a public transportation system, the easement will terminate, which easement is set forth in an instrument dated June 25, 1970 and recorded in Volume 12732 Page 75 of Cuyahoga County Records.

IN WITNESS WHEREOF, the said City of Cleveland, and Regional Transit Authority has caused their corporate name and seal to be hereunto signed and affixed by its General Manager and Secretary-Treasurer, Ronald J. Tober, pursuant to Regional Transit Authority Resolution No. _____, adopted by the Regional Transit Authority as of the _____ day of July, 1990.

Signed, sealed and acknowledged
in the presence of:

CITY OF CLEVELAND
REGIONAL TRANSIT AUTHORITY

By: _____

Its: _____

STATE OF OHIO)
)SS.
CUYAHOGA COUNTY)

On this ____ day of _____, 1990, before a Notary Public in and for the said county, personally appeared Ronald J. Tober, General Manager and Secretary-Treasurer of the Regional Transit Authority of the City of Cleveland, who acknowledged the execution of the foregoing instrument and that the same is his voluntary act and deed on behalf of the said Regional Transit Authority of the City of Cleveland and the voluntary and corporate act and deed of the said City acting by and through the Regional Transit Authority.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, at Cleveland, Ohio, the day and year last above written.

NOTARY PUBLIC

This instrument was prepared by:
Harry J. Dworkin, Esq.
22699 Shaker Boulevard
Shaker Heights, Ohio 44122
(216) 464-2688

ORIGINAL DEED

JAKE DWORKIN TRUST

363052

OFFICIAL DEED

YOL12732: 75

CITY OF CLEVELAND
CLEVELAND TRANSIT SYSTEM
TO
JAKE DWORKIN and EVA DWORKIN
(Husband and Wife)

KNOW ALL MEN BY THESE PRESENTS: That the Transit Board of the City of Cleveland, a municipal corporation in the State of Ohio, the Grantor, for the consideration of the sum of Eight Thousand One Hundred and Fifty Dollars (\$8,150.00) and other valuable consideration, received to its full satisfaction of Jake Dworkin and Eva Dworkin (husband and wife), has given, granted, remised, released and forever quitclaimed, and by these presents does absolutely give, grant, remise, release and forever quitclaim unto Jake Dworkin and Eva Dworkin, their successors or assigns, the following described real property:

Situated in the Village of Cuyahoga Heights and in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio and known as being a part of Original 100 Acre Lot No's. 308 and 312, further bounded and described as follows:

Beginning at a stone in the center line of Harvard Avenue, 60 feet wide, at its intersection with the center line of East 55th Street, 60 feet wide;

thence S-00° 32' 30"-W, along the Westerly line of the Gustave Klase Subdivision as recorded in Volume 16, Page 11 of the Cuyahoga County Map Records, 270.00 feet to an iron pin set;

thence S-89° 01' 00"-W, 113.00 feet to an iron pin set;

thence N-00° 32' 30"-E, 136.00 feet to an iron pin set;

thence N-25° 02' 45"-E, 149.08 feet to a point in the center line of Harvard Avenue; an iron pin was set bearing S-25° 02' 45"-W, 33.39 feet, said iron pin being on the South right-of-way line of Harvard Avenue;

thence N-89° 01' 00"-E, along said center line of Harvard Avenue, 51.15 feet to a stone and the principal place of beginning, be the same more or less but subject to all legal highways, and according to a survey dated October, 1969 made by H. P. Peterson, Reg. Surveyor No. 894.

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TO HAVE AND TO HOLD the premises aforesaid to the said Grantees, their successors and assigns, forever, so that neither the said Grantor, nor its successors and assigns, nor any other person or persons claiming title through or under it shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof; but they and everyone of them shall by these presents be excluded and forever barred.

Excepting and reserving to the said Grantor, its successors and assigns, licensees, employees, visitors, and all persons for the benefit or advantage of the Grantor, a perpetual easement and/or right-of-way over the above-described premises as long as the same is used as a turn-around for the Grantor's buses and other vehicles in connection with the Grantor's operation as a public transportation system. In the event the Grantor ceases the use of said premises as a turn-around in connection with its operation as a public transportation system, the easement will terminate.

The Grantor, its successors and assigns, shall save the Grantees their heirs and assigns, harmless from any and all damages arising from the Grantor's use of its easement or right-of-way herein granted and/or reserved to the Grantor, its successors or assigns, and the Grantor agrees to pay any damages which may arise to the property, premises or rights of the Grantees directly and proximately resulting from the Grantor's use, occupation and possession of the aforesaid property.

The perpetual easement or right-of-way reserved and/or granted to the Grantor shall run with the land and the title thereto, and be binding upon the Grantees, their successors and assigns, and any person who shall hereafter acquire title to the aforesaid property.

Said easement shall be subject to the equal right of the Grantees, their successors and assigns, to fully use and enjoy the aforesaid premises, and to ingress and egress over and upon the aforesaid

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property, providing, however, that the exercise of the rights of the Grantees shall not interfere with the use of said property by the Grantor for its usual and customary purposes.

The Grantor will, during the existence of the easement rights, repair, maintain and keep repaired, in a workmanlike manner, the driveway and other premises subject to the easement.

IN WITNESS WHEREOF, the said Transit Board of the City of Cleveland has caused its corporate name and seal to be hereunto signed and affixed by its Chairman, pursuant to Cleveland Transit Board Resolution No. 449-70 adopted by the Transit Board of the City of Cleveland as of the 11th day of June, 1970.

Signed, sealed and acknowledged in the presence of:

Ethel E. Taylor
Secretary
Cleveland Transit Board

CITY OF CLEVELAND
CLEVELAND TRANSIT SYSTEM

By *Allen J. Lowe*
Allen J. Lowe
Chairman, Transit Board

STATE OF OHIO)
) ss.
CUYAHOGA COUNTY)

On this 25th day of June, 1970, before me, a Notary Public in and for the said county, personally appeared Allen J. Lowe, Chairman of the Transit Board of the City of Cleveland, who acknowledged the execution of the foregoing instrument and that the same is his voluntary act and deed on behalf of the said Transit Board of the City of Cleveland and the voluntary and corporate act and deed of the said City acting by and through its Transit Board.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, at Cleveland, Ohio, the day and year last above written.

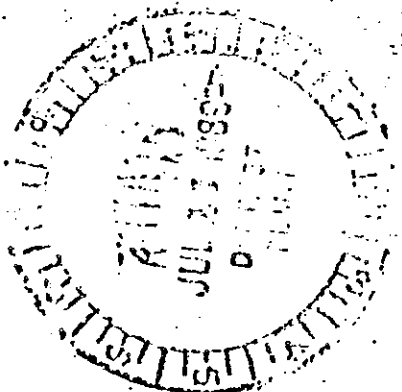
This instrument prepared by
Transit Board of the city of
Cleveland

Grace C. Stanton
Notary Public
My commission expires *Mar 16, 1974*
GRACE C. STANTON
Notary Public

363052 95

Deed

5.00



CONVEYANCE HAS BEEN EXAMINED
AND IS IN COMPLIANCE WITH
SEC. 319.202 O.R.C.
PAID

AUG 13 1970

Conveyance Fee 5.00 Transfer Fee
Receipt No. 128997 Receipt No.
RALPH J. PERR, County Auditor
By RC Deputy

RECORDED
MARK MOSELEY
COUNTY RECORDER
AUG 13 2 43 PM '70
CUYAHOGA
COUNTY RECORDS
VOL 232 PG 25

OHIO TITLE CORPORATION

Order No. 189,349 8