

RESOLUTION NO. 1990 - 161

AUTHORIZING A FIVE (5) YEAR SUBSURFACE LICENSE
AGREEMENT TRANSVERSE TO THE RAPID TRANSIT RIGHT
OF WAY IN THE VICINITY OF WEST 65TH STREET

WHEREAS, OHIO BELL TELEPHONE COMPANY has requested a subsurface license for the purpose of laying, operating and maintaining cables with protective conduits and utility lines across lands owned by the Authority; and

WHEREAS, the General Manager finds that such grant of license would not interfere with the present nor planned operation of the rapid transit system; and

WHEREAS, R.C. 306.43 does not require competitive bidding in these circumstances; and

WHEREAS, Ohio Bell Telephone Company has agreed to pay for the subsurface license an amount equal to the fair market value (per appraisal), plus the cost of GCRTA's administrative expenses (\$2500 which includes appraisal fee of \$1000) in the preparation of the license agreement.

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

Section 1. That the General Manager be and he is hereby authorized to execute and cause to be delivered a five (5) year license agreement which grants subsurface rights to Ohio Bell Telephone Company across land of the Authority for a price not less than the fair market value of the license (as established by appraisal) plus the administrative expenses incurred by the Authority in this transaction.

Section 2. That the proceeds from this transaction be deposited in the General Fund.

Section 3. That this resolution shall take effect immediately upon its adoption.

Adopted: September 18, 1990

Attest: Ronald J. Allen
General Manager/Secretary-Treasurer

[Signature]
President