

RESOLUTION NO. 1994 - 136

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE THE FEE SIMPLE INTEREST FREE AND CLEAR OF ALL LEASEHOLDS, RESERVATIONS, EASEMENTS AND ENCUMBRANCES, OF CERTAIN PORTIONS OF THE LAND COMMONLY KNOWN AS 1540 COLUMBUS COURT, CLEVELAND, OHIO, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 101-15-011, 101-15-027, 101-15-028, AND 101-15-029 (CAPITAL IMPROVEMENT FUND - 100% LOCAL MATCH).

WHEREAS, it is necessary and proper to acquire certain portions of the land located at 1540 Columbus Court, Cleveland, Ohio, bearing permanent parcel numbers 101-15-011, 101-15-027, 101-15-028, and 101-15-029 and owned by 1540 Columbus Corp., for the purpose of constructing the Waterfront Transit Line and related transit facilities, and improving access to such facilities.

WHEREAS, the Greater Cleveland Regional Transit Authority (the "Authority") and the owner of the fee have been unable to reach an agreement concerning the purchase of said land by the Authority, it will therefore be necessary to commence legal proceedings to appropriate said land by eminent domain pursuant to Ohio Revised Code Chapters 306 and 163.

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

Section 1: That this Board finds that the construction of the Waterfront Transit Line and the expansion of the Authority's transit facilities require the taking of certain portions of the property located at 1540 Columbus Court, Cleveland, Ohio, and that the taking of these portions of the property owned by 1540 Columbus Corp. is both necessary and proper, and will further the objectives of the Authority.

Section 2: That this Board finds that in order to implement and complete the construction and development of the Waterfront Transit Line and the Authority's transit facilities, it is necessary and proper to acquire certain portions of the land located at 1540 Columbus Court, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 101-15-011, 101-15-027, 101-15-028, and 101-15-029 free of all interests, reservations, easements, leaseholds and encumbrances, as set forth on the attached legal descriptions labeled "Parcel A" and "Parcel B", and a drawing depicting the partial take of Parcel A and Parcel B owned by the 1540 Columbus Corp., which are incorporated herein by reference.

Parcel A and Parcel B shall hereinafter be referred to as the "Property."

Section 3: That this Board finds that the value of the Property, free of all interests, reservations, easements, leaseholds and encumbrances, is seventy two thousand, two hundred forty dollars and no cents (\$72,240.00).

Section 4: That this Board finds that the Authority and the owners have been unable to reach an agreement concerning the purchase and sale of the Property.

Section 5: That this Board hereby deems it necessary and proper and declares its intent to appropriate the Property for the purposes of constructing the Waterfront Transit Line and related improvements.

Section 6: That this Board hereby authorizes the General Manager to cause written notice of the adoption of this Resolution to be transmitted to the owner or owners, persons in possession of and persons having an interest of record in the Property, and said notice shall be served by the appropriate legal officer of the Authority, and he shall make return of said service of notice in the manner provided by law.

Section 7: That this Board hereby authorizes and directs the General Manager to institute legal proceedings to appropriate the Property in the manner provided in Ohio Revised Code Chapters 306 and 163, and authorizes payment of the value herein determined from the Capital Improvement Fund of the Authority.

Section 8: That this Resolution shall become effective immediately upon its adoption.

Adopted: August 23, 1994.

Attachments: A. Legal Descriptions A & B
B. Drawing depicting partial take.

Attest: Ronald J. Tice
General Manager and Secretary-Treasurer

[Signature]
President

PARCEL A

Legal Description

Parcel Take From 1540 Columbus Corp.
to Greater Cleveland Regional Transit Authority (Parcel A)

Land Owned by 1540 Columbus Corp.
GCRTA Trolley Line

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and more fully described as follows;

Commencing at the center line intersection of vacated Columbus Ave. and Canal Rd.;

Thence North $55^{\circ}54'18''$ East, a distance of 36.39' to a point on the center line of Canal Rd.;

Thence North $32^{\circ}35'55''$ West, a distance of 24.01' to a point on the northwesterly right of way line of Canal Rd. and the beginning of a curve;

Thence along an arc of a curve bearing to the left, said curve having a radius of 1871.57', an included angle of $2^{\circ}42'08''$, and a chord which bears North $32^{\circ}35'55''$ West, a distance of 88.26', and measures 88.27' to a point;

Thence North $31^{\circ}15'51''$ West, a distance of 232.22' to a point and the beginning of a curve;

Thence along an arc of a curve bearing to the left, said curve having a radius of 1055.25', an included angle of $6^{\circ}28'24''$, and a chord which bears North $34^{\circ}29'03''$ West, a distance of 119.16', and measures 119.22' to a point;

Thence North $70^{\circ}51'08''$ East, a distance of 6.77' to a point and the beginning of a curve;

Thence along an arc of a curve bearing to the right, said curve having a radius of 1036.00', an included angle of $4^{\circ}18'48''$, and a chord which bears North $33^{\circ}24'16''$ West, a distance of 77.97', and measures 77.97' to a point;

Thence North $31^{\circ}14'52''$ West, a distance of 350.04' to a point;

Thence North $55^{\circ}54'18''$ East, a distance of 41.18' to a point;

Thence North $23^{\circ}12'12''$ West, a distance of 10.18' to a point on the northwesterly right of way line of Canal Rd.;

Thence along the northwesterly right of way of Canal Rd. North $55^{\circ}54'18''$ East, a distance of 40.50' to a point and the principal place of beginning. Containing 0.043 acres of land, be the same more or less.

PARCEL B

Legal Description

Parcel Take From 1540 Columbus Corp.
to Greater Cleveland Regional Transit Authority (Parcel B)

Land Owned by 1540 Columbus Corp.
GCRTA Trolley Line

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and more fully described as follows;

Commencing at the center line intersection of vacated Columbus Ave. and Canal Rd.;

Thence along the center line of Canal Rd. North $55^{\circ}54'18''$ East, a distance of 36.39' to a point;

Thence North $32^{\circ}35'55''$ West, a distance of 24.01' to a point on the northwesterly right of way line of Canal Rd.;

Thence along the northwesterly right of way line of Canal Rd. North $55^{\circ}54'18''$ East, a distance of 40.50' to a point;

Thence North $23^{\circ}12'12''$ West, a distance of 10.18' to a point and the principal place of beginning;

Thence South $23^{\circ}12'12''$ East, a distance of 48.15' to a point;

Thence South $11^{\circ}47'48''$ West, a distance of 10.46' to a point;

Thence South $23^{\circ}12'12''$ East, a distance of 36.95' to a point;

Thence South $11^{\circ}47'48''$ West, a distance of 35.38' to a point;

Thence South $78^{\circ}12'12''$ East, a distance of 6.00' to a point;

Thence South $11^{\circ}47'48''$ West, a distance of 56.35' to a point;

Thence South $47^{\circ}15'10''$ West, a distance of 52.62" to a point and the beginning of a curve;

Thence along an arc of a curve bearing to the right, said curve having a radius of 170.00', an included angle of $22^{\circ}49'28''$, and a chord which bears South $65^{\circ}13'00''$ West, a distance of 67.27', and measures 67.72' to a point;

Thence North $31^{\circ}14'52''$ West, a distance of 162.17' to a point;

Thence North $55^{\circ}54'18''$ East, a distance of 41.18' to a point and the principal place of beginning. Containing 0.232 acres of land, be the same more or less.

N 76° 30' 00" E

70° 51' 08" E
44' 20"

R = 1055.25

N 33° 24' 16" W

R = 1055.25

L = 119.22

C = 119.18

N 34° 29' 03" W

S 21° 27' 47" E 38.64

N 70° 47' 13" E 28.00

COUNTY OF COLUMBIA
VOL 1368 PG 280
VOL 1376 PG 280
VOL 1381 PG 180
VOL 1387 PG 180
VOL 1393 PG 180
VOL 1409 PG 300
VOL 1444 PG 300
VOL 1453 PG 376
VOL 1716 PG 574
PPN 101-015-036

DETROIT SUBDIVISION

75.00'
S 19° 24' 17" E
39.79'

S 31° 12' 12" E

S 78° 11' 52" E
2.21'

REMAINDER

L = 65.00'

C = 67.06'

C = 66.60'

S 65° 32' 47" W

L = 70.00'

C = 67.72'

C = 67.27'

C = 66.13' 00"

CITY OF CLEVELAND PPN 101-015-009

N 31° 14' 52" W 182.61'

COLUMBIAN VACATED
17198
COLUMBIAN VACATED (CCMR)

S 76° 11' 52" E

S 23° 12' 12" E

6.00'

REMAINDER