

RESOLUTION NO. 1994 - 187

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 LAND COMMONLY KNOWN AS 1505 MERWIN AVENUE, CLEVELAND, OHIO, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 101-15-008 (\$400,000.00 CAPITAL IMPROVEMENT FUND - 100% LOCAL FUNDS)

WHEREAS, it is necessary and proper to acquire land located at 1505 Merwin Avenue, Cleveland, Ohio bearing Permanent Parcel Number 101-15-008 and owned by Select Management Holdings, Inc., for the purpose of constructing the Waterfront Transit Line, 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 the property located at 1505 Merwin Avenue, Cleveland, Ohio, and that the taking of this property owned by Select Management Holdings, Inc., 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 the land located at 1505 Merwin Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 101-15-008, free of all interests, reservations, easements, leaseholds and encumbrances, as set forth on the attached legal description labeled as Exhibit "A", which is incorporated herein by reference. Exhibit "A" 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 Four Hundred Thousand Dollars (\$400,000.00).

Section 4: That this Board finds that the Authority and the owner 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.

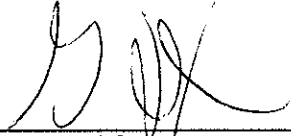
Section 6: That this Board hereby authorizes the General Manager to cause written notice of the adoption of this Resolution to be transmitted to the owner or owners, persons in possession of and persons having an interest of record in the Property, and said notice shall be served by the appropriate legal 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 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: November 22, 1994.

Attachment: Exhibit A - Legal Description



President

Attest: 

General Manager and Secretary-Treasurer

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of the Merwin Tract and bounded and described as follows:

Beginning in the Southeasterly line of Superior Avenue, N.W., at its point of intersection with the Easterly line of Merwin Street, N.W., 66 ft. wide;

1. Thence South $20^{\circ} 33' 37''$ West, 184.84 ft. along said Easterly line of Merwin Street to its point of intersection with the Northerly line of James Street, N.W., 50 ft. wide;
2. Thence South $71^{\circ} 30' 32''$ East, 91.45 ft. along said Northerly line of James Street to its point of intersection with the Westerly right-of-way line of the Detroit-Superior High Level Bridge;
3. Thence North $47^{\circ} 45' 08''$ East, 153.77 ft. along said Westerly right-of-way line of the Detroit-Superior High Level Bridge to its point of intersection with the West line of the Cleveland, Columbus and Cincinnati Railroad Company land in deed dated November 18, 1856 and recorded in Volume 56, Page 534 of Cuyahoga County Deed Records;
4. Thence North $5^{\circ} 38' 40''$ West, 50.36 ft. along said Westerly line of land so conveyed to the Cleveland, Columbus and Cincinnati Railroad Company to an angle point;
5. Thence North $30^{\circ} 54' 25''$ West, 89.00 ft. to a point in said southeasterly line of Superior Avenue;
6. Thence South $71^{\circ} 53' 22''$ West, 89.40 ft. along said Southeasterly line of Superior Avenue to the place of beginning containing 28,109 square feet of land according to a survey December 9, 1988 by Giles Nelson, Ohio Surveyor No.4630, be the same more or less, but subject to all legal highways.