RESOLUTION NO. 1995 - 169

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE EASEMENTS AND THE FEE SIMPLE INTEREST FREE AND CLEAR OF ALL LEASEHOLDS, RESERVATIONS, EASEMENTS AND ENCUMBRANCES IN LANDS COMMONLY KNOWN AS PORTIONS OF THE CONRAIL LAKEFRONT RIGHT-OF-WAY BETWEEN WEST 11TH STREET AND EAST 18TH STREET IN CLEVELAND, OHIO. (\$900,000 CAPITAL IMPROVEMENT FUND - 1002 LOCAL FUNDS)

WHEREAS, it is necessary and proper to acquire lands located in Cleveland, Ohio generally known as portions of the Conrail Lakefront right-of-way between West 11th and East 18th Streets and bearing Cuyahoga County Auditor's Permanent Parcel Nos. 101-01-4 and 5, 101-02-3 thru 6, 101-02-9 and 10, 101-03-1 thru 4 and 102-01-3 thru 6, which lands are owned by Consolidated Rail Corporation, for the purpose of constructing and operating the Waterfront Transit Line, related transit facilities and improving access to such facilities; and

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") and the owner have been unable to reach an agreement concerning the purchase of said lands by the Authority, it will therefore be necessary to commence legal proceedings to appropriate said lands 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 that:

Section 1: This Board finds that the construction and operation of the Waterfront Transit Line and the expansion of the Authority's transit facilities require the taking of property located in Cleveland, Ohio and described and depicted in Exhibits "A", "B" and "C", which exhibits are annexed hereto and made a part hereof, and that the taking of this property owned by Consolidated Rail Corporation is both necessary and proper and will further the objectives of the Authority.

Section 2: This Board finds that in order to implement and complete the construction, development and operation of the Waterfront Transit Line and the Authority's transit facilities, it is necessary and proper to acquire a permanent, exclusive, aerial easement in Parcel No. 18 (depicted in Exhibit "B"), whose vertical limits are described in Exhibit "C" together with all appurtenant rights of access in, over, and through abutting lands owned by Consolidated Rail Corporation that are necessary for repairs, reconstructions, replacements and maintenance of the structures placed in said aerial easement; to acquire a 10' easement at piers 3 and 4; and to acquire all rights held by Conrail in Parcels 21, 22, 31-A, 31-B, 33, 34, and, within the limits of the piers within Parcel No. 18, together with appurtenant rights of access in, over, and through the lands abutting and within Parcel 18 necessary for repairs, reconstructions, replacements and maintenance of the piers, bridge, and related structures placed in Parcel 18 by this Authority, **RESOLUTION NO. 1995 -** 169 **PAGE 2**

free of all interests, reservations, easements, leaseholds and encumbrances.

Section 3: This Board finds that the value of the property appropriated hereby free of all interests, reservations, easements, leaseholds and encumbrances with due consideration being given to the residue is Nine Hundred Thousand Dollars (\$900,000).

Section 4: 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.

<u>Section 8</u>: That this Resolution shall become effective immediately upon its adoption.

Adopted: ______ November 21 , 1995.

Attachments: Exhibit "A" - Legal Description Exhibit "B" - Drawing depicting the horizontal boundaries of the subject lands. Exhibit "C" - A drawing depicting the vertical limits of the aerial easement spanning the Conrail right-of-way in Parcel No. 18.

President

Attest: General Manager and Secretary-Treasurer

August 4, 1994 Revised August 10, 1994

Legal Description Piers 3, 4, & 5

Land Owned by Consolidated Rail Corp. GCRTA Trolley Line

PIER #3

Situated in the City of Cleveland, County of Cuyanoga, and State of Ohio and known as being part of Bath Street Tract and more fully described as follows; Commencing at the center line intersection of Front Street (80 foot right of way whose center line is 32 feet north of the southwesterly right of way line and 48 feet south of the northeasterly right of way line) and West 10th Thence North 23'49'10" West, a distance of 48.00' to a point on the northwesterly right of way line of Front Streer; Thence along the northwesterly right of way line of Front Street South 66'10'50" West, a distance of 302.98' to a point on the northwesterly right of way line of Front Street and the principal place of beginning; Thence North 80'40'36" West, a distance of 0.95' to a point; Thence North 9'19'24" East, a distance of 30.00' to a point; Thence South 80'40'36" East, a distance of 30.00' to a point; Thence South 9'19'24" West, a distance of 11.03' to a point; Thence South 65°10'50" West, a distance of 34.70' to a point and the principal

PIER #4

Situated in the City of Cleveland, County of Cuyanoga, and State of Ohio and known as being part of Bath Street Tract and more fully described as follows; Commencing at the center line intersection of Front Street (80 foot right of way whose center line is 32 feet north of the southwesterly right of way line and 48 feet south of the northeasterly right of way line) and West 10th Street, 50 foot right of way; Thence North 23'49'10" West, a distance of 48.00' to a point on the northwesterly right of way line of Front Street; Thence along the northwesterly right of way line of Front Street South 66'10'50" West, a distance of 312.12' to a point on the northwesterly right of Thence North 80'40'36" West, a distance of 102.28' to a point; Thence North 9'19'24" East, a distance of 5.00' to a point and the principal Thence North 80'40'36" West, a distance of 30.00' to a point; Thence North 9'19'24" East, a distance of 30.00' to a point;

EXHIBIT "A-I"

EXHIBIT "A-2"

Thence South 80'40'36" East, a distance of 30.00' to a point;

Thence South 9'19'24" West, a distance of 30.00' to a point and the principal

PIER #5

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Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Bath Street Tract and more fully described as follows; Commencing at the center line intersection of Front Street (80 foot right of way whose center line is 32 feet north of the southwesterly right of way line and 48 feet south of the northeasterly right of way line) and West 10th Street, 50 foot right of way; Thence North 23'49'10" West, a distance of 48.00' to a point on the northwesterly right of way line of Front Street; Thence along the northwesterly right of way line of Front Street South 66'10'50" West, a distance of 312.12' to a point on the northwesterly right of Thence North 80'40'36" West, a distance of 277.75' to a point on the southeasterly property line of the Consolidated Rail Corp. as determined by Michael Rodgers & Associates of Bemon Point, New York by field survey August Thence North 56'18'38" East along the southeasterly property line of the Consolidated Rail Corp., a distance of 8.35' to a point and the principal place of beginning; Thence continuing North 56'18'38" East, a distance of 16.20' to a point; Thence South 11*24'24" West, a distance of 11.47' to a point; Thence North 78'35'36" West, a distance of 11.44' to a point and the principal place of beginning.

August 4, 1994 Revised August 10, 1994

Legal Description 10' Permanent Easements on The Consolidated Rail Crossing

GCRTA Trolley Line

10' EASEMENT @ PIER #3

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Bath Street Tract and more fully described as follows; Commencing at the center line intersection of Front Street (80 foot right of way whose center line is 32 feet north of the southwesterly right of way line and 48 feet south of the northeasterly right of way line) and West 10th Street, 50 foot right of way;

Thence North 23'49'10" West, a distance of 48.00' to a point on the northwesterly right of way line of Front Street;

Thence along the northwesterly right of way line of Front Street South 66'10'50" West, a distance of 238.96' to a point on the northwesterly right of way line of Front Street and the principal place of beginning;

Thence South 66'10'50" West, a distance of 73.16' to a point;

Thence North 80'40'36" West, a distance of 18.07' to a point;

Thence North 66°10'50" East, a distance of 73.16' to a point;

Thence South 80°40'36" East, a distance of 18.07' to a point and the principal

10' EASEMENT @ PIER #4

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Bath Street Tract and more fully described as follows; Commencing at the center line intersection of Front Street (80 foot right of way whose center line is 32 feet north of the southwesterly right of way line and 48 feet south of the northeasterly right of way line) and West 10th Thence North 23°49'10" West, a distance of 48.00' to a point on the northwesterly right of way line of Front Street; Thence along the northwesterly right of way line of Front Street South 66'10'50" West, a distance of 312.12' to a point on the northwesterly right of Thence North 80°40'36" West, a distance of 138.76' to a point and the principal Thence continuing North 80'40'36" West, a distance of 18.29' to a point; Thence North 66'10'50" East, a distance of 73.16' to a point; Thence South 80'40'36" East, a distance of 18.79' to a point;

Thence South 66'10'50" West, a distance of 73.16' to a point and the principal place of beginning.

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"EXHIBIT "A-5"

June 21, 1995 Revised July 3, 1995

Legal Description GCRTA Parcel 21 & 22 Land Owned by Consolidated Rail for 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 northwesterly right of way line of Lakeside Avenue(99' wide) and W. 3rd Street(99' wide)

Thence along the northwesterly right of way line of W. 3rd Street North 34°02'47" West, a distance of 690.49' to a point and the principal place of beginning;

Thence North 34 02'47" West, a distance of 1.74' to a point;

Thence South 58°39'02" West, a distance of 231.40' to a point; Thence South 62°20'37" West, a distance of 167.50' to a point; Thence South 66°02'12" West, a distance of 770.25' to a point; Thence South 50°19'43" East; a distance of 38.22' to a point; Thence Sou62°25'25" West, a distance of 218.68' to a point;

Thence North 74°43'37" East, a distance of 2.91' to a point and the beginning of a curve;

Thence northeaster along an arc of a curve bearing to the left, a distance of 62.89' to a point, said curve having a radius of 30100.00', an included angle of $00^{\circ}07'11''$, and a chord which bears North $66^{\circ}48'50''$ East, and measures 62.89';

Thence North 62 57'10" East, a distance of 416.42' to a point;

Thence North 61°57'41" East, a distance of 129.08' to a point and the beginning of a curve;

Thence along the arc of a curve bearing to the right, a distance of 162.47' to a point, said curve having a radius of 2380.99', an included angle of 3°54'35", and a chord which bears North 63°37'52" East and measures 162.44';

Thence North 65 40'02" East, a distance of 6.55' to a point;

Thence North 62°57'10" East, a distance of 228.31' to a point and the beginning of a curve;

Thence along the arc of a curve bearing to the left, a distance of 252.52' to a point, said curve having a radius of 2549.16', an included angle of 5*40'32", and a chord which bears North 60*47'04" East and measures 252.41';

Thence North 58°36'58" East, a distance of 110.87' to a point on the northwesterly right of way line of W. 3rd Street, said point being the principal place of beginning. Containing 0.394 acres of land, be the same more or less.

EXHIBIT "A-6"

June 21, 1995 Revised July 3, 1995

Legal Description GCRTA Parcel 31-A Land Owned by Consolidated Rail for 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 intersection of the northeasterly right of way lines of W. 3rd Street and Lakeside Avenue;

Thence along the northeasterly right of way line of W. 3rd Street North 34°02'47" West, a distance of 646.38' to a point and the principal place of beginning;

Thence North 58'36'28" East, a distance of 23.61' to a point;

Thence South 31'23'33" East, a distance of 3.75 to a point;

Thence North 58°36'28" East, a distance of 259.00' to a point;

Thence North 31°23'36" West, a distance of 3.75' to a point;

Thence North 58°36'28" East, a distance of 257.24' to a point and the beginning of a curve;

Thence along the arc of a curve bearing to the left, a distance of 159.20' to a point, said curve having a radius of 2487.14', an included angle of 3'40'03", and a chord which bears North 57'11'50" East and measures 159.17';

Thence North 55°47'13" East, a distance of 27.38' to a point;

Thence South 58'31'35" West, a distance of 726.52' to a point on the northeasterly right of way line of W. 3rd Street;

Thence South 34°02'47" East, a distance of 4.25' to a point and the principal place of beginning. Containing 0.095 acres of land, be the same more or less.

EXHIBIT "A-7"

June 21, 1995

Legal Description GCRTA Parcel 31-B Land Owned by Consolidated Rail for 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 intersection of the northeasterly right of way lines of W. 3rd Street and Lakeside Avenue;

Thence along the northeasterly right of way line of W. 3rd Street North 34°02'47" West, a distance of 650.63' to a point;

Thence North 58'31'35" East, a distance of 982.83' to a point and the principal place of beginnig;

Thence North 58'31'35" East, a distance of 1084.73' to a point;

Thence North 71'37'00" East, a distance of 62.62' to a point;

Thence North 58°26'32" East, a distance of 49.21' to a point on the northwesterly right of way line of E. 9th Street;

Thence along said line of E. 9th Street, South 34'00'00" East, a distance of 7.51' to a point;

"hence South 58'28'21" West, a distance of 79.14' to a point;

Thence South 67°54'35" West, a distance of 56.95' to a point;

Thence South 58'39'06" West, a distance of 367.84' to a point;

Thence North 32°20'39" West, a distance of 7.77' to a point and the beginning of a curve;

Thence along the arc of a curve bearing to the left, a distance of 214.14' to a point and the beginning of a curve, said curve having a radius of 4986.15', an included angle of 2°27'39", and a chord which bears South 57°31'47" West and measures 214.13' to a point;

Thence along the arc of a curve bearing to the right, a distance of 170.54' to a point; said curve having a radius of 3610.80', an included angle of 2°42'22", and a chord which bears South 57°36'19" West and measures 170.52';

Thence South 58°39'20" West, a distance of 86.37' to a point and the beginning of a curve;

Thence along the arc of a curve bearing to the right, a distance of 166.22' to a point, said curve having a radius of 1851.42', and included angle of 5°08'38", and a chord which bears South 60°38'44" West and measures 166.16';

Thence South 62*38'09" West, a distance of 55.24' to a point and the principal place of beginning. Containing 0.253 acres of land, be the same more or less.

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EXHIBIT "A-8"

June 21, 1995 Revised July 3, 1995

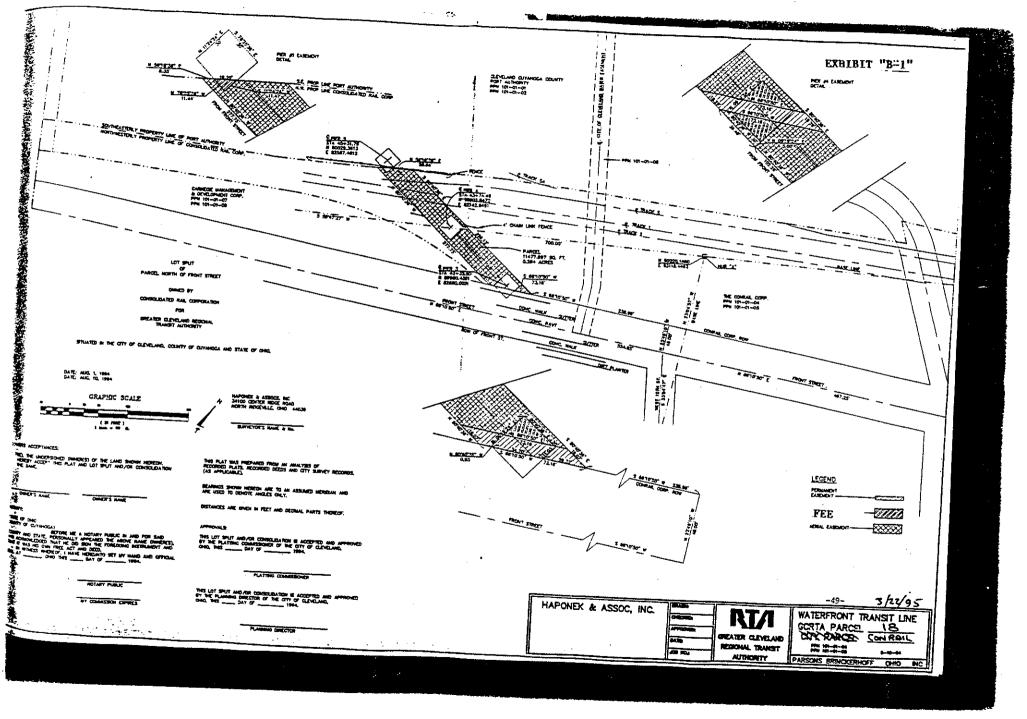
Legal Description GCRTA Parcel 33 & 34 Land Owned by Consolidated Rail for GCRTA Trolley Line

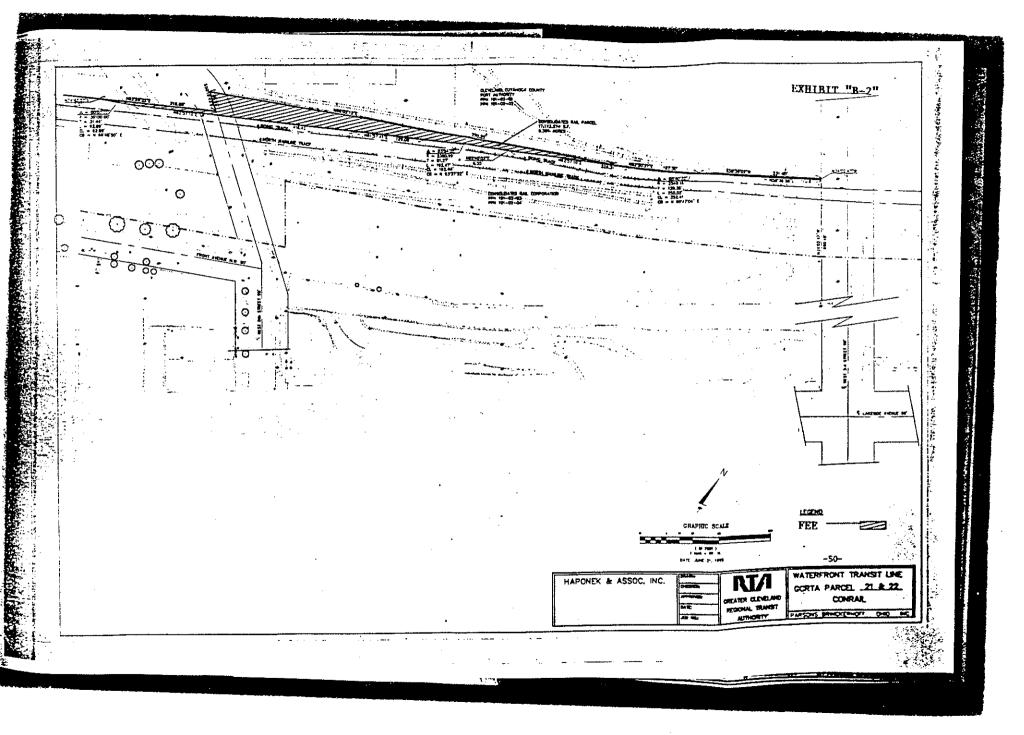
Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and Commencing at the intersection of the northeasterly right of way lines of E. 9th Street and Lakeside Avenue; Thence along said right of way of E. 9th Street, North 34'00'00" West, a distance of 5, 62.03' to a point and the principal place of beginning; 56 57 0 Thence North 58°28'58" East, a distance of 151.29' to a point and the Thence along the arc of a curve bearing to the left, a distance of 195.04' to a point and the beginning of a curve, said curve having a radius of 2873.32', an included angle of 3"53'21", and a chord which bears North 56"56'60") East and Thence along the arc of a curve bearing to the right, a distance of 200.64' to a point and the beginning of a curve, said curve having a radius of 3459.67", an included angle of 3"19'22", and a chord which bears North 56"40'05" East Thence along the arc of a curve bearing to the left, a distance of 328.52' to a point, said curve having a radius of 5077.17', an included angle of 3'05'50", and a chord which bears North 56°41'10" East and measures 328.48'; Thence North 55'32'13" East, a distance of 428.19' to a point; Thence South 79°33'49" East, a distance of 6.87" to a point; Thence North 55'37'11" East, a distance of 278.55' to a point; Thence North 34*33'43" West, a distance of 1.75' to a point; Thence North 55°26'12" East, a distance of 704.30' to a point; Thence South 34'33'47" East, a distance of 15.50' to a point; Thence North 55°26'12" East, a distance of 125.54' to a point; Thence North 10°26'29" East a distance of 21.92' to a point; Thence North 55'26'12" East, a distance of 49.80' to a point; Thence North 34°16'14" West, a distance of 43.00' to a point: Thence South 56°30'05" West, a distance of 441.07' to a point; Thence South 47-38'25" West, a distance of 242.13' to a point; Thence South 56'05'13" West, a distance of 1159.33' to a point; Thence South 56°54'27" West, a distance of 641.82' to a point on the northeasterly right of way line of E. 9th Street;

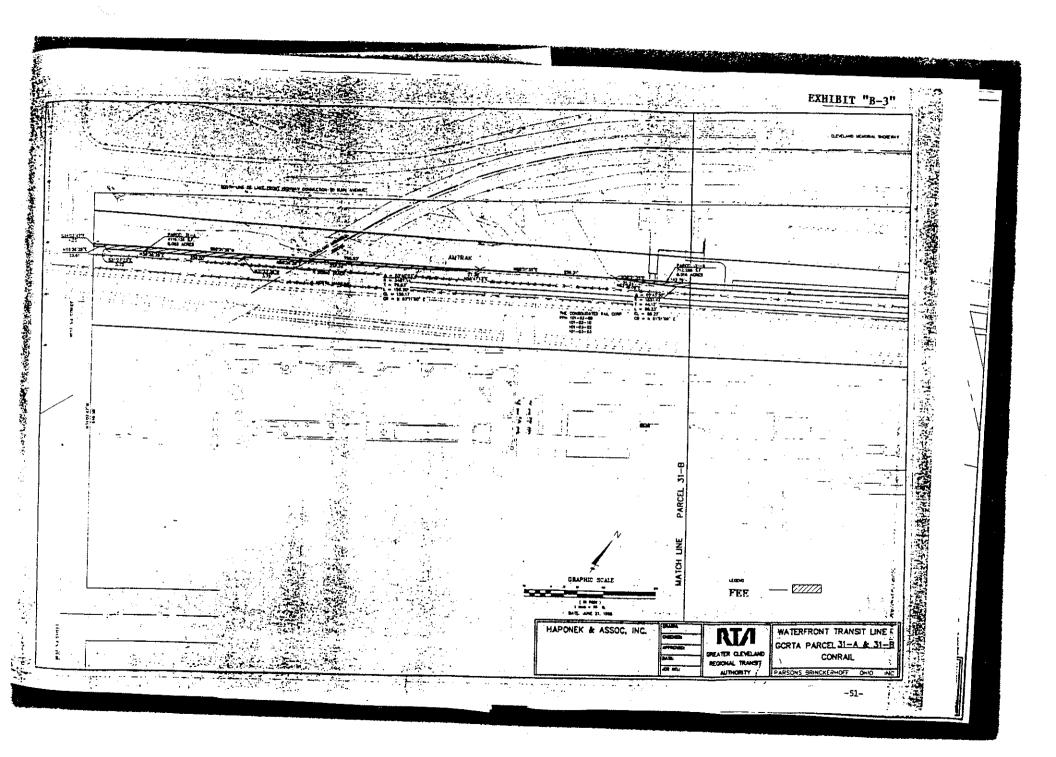
EXHIBIT "A-9"

Thence South 34°00'00" East, a distance of 18.60' to a point and the principal place of beginning. Containing 1.642 acres of land, be the same more or less.

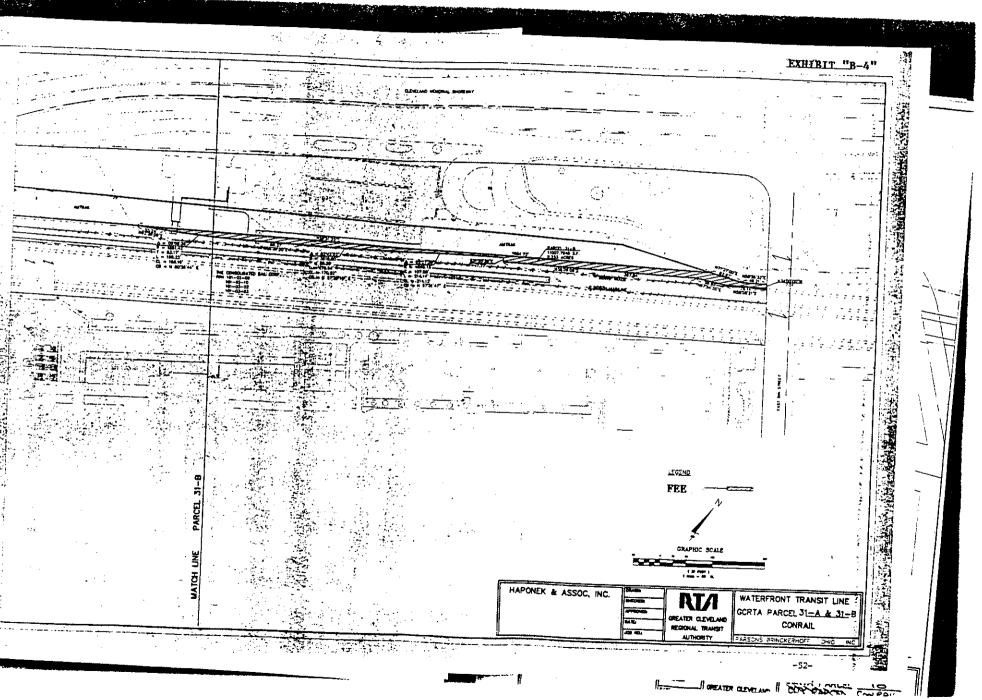


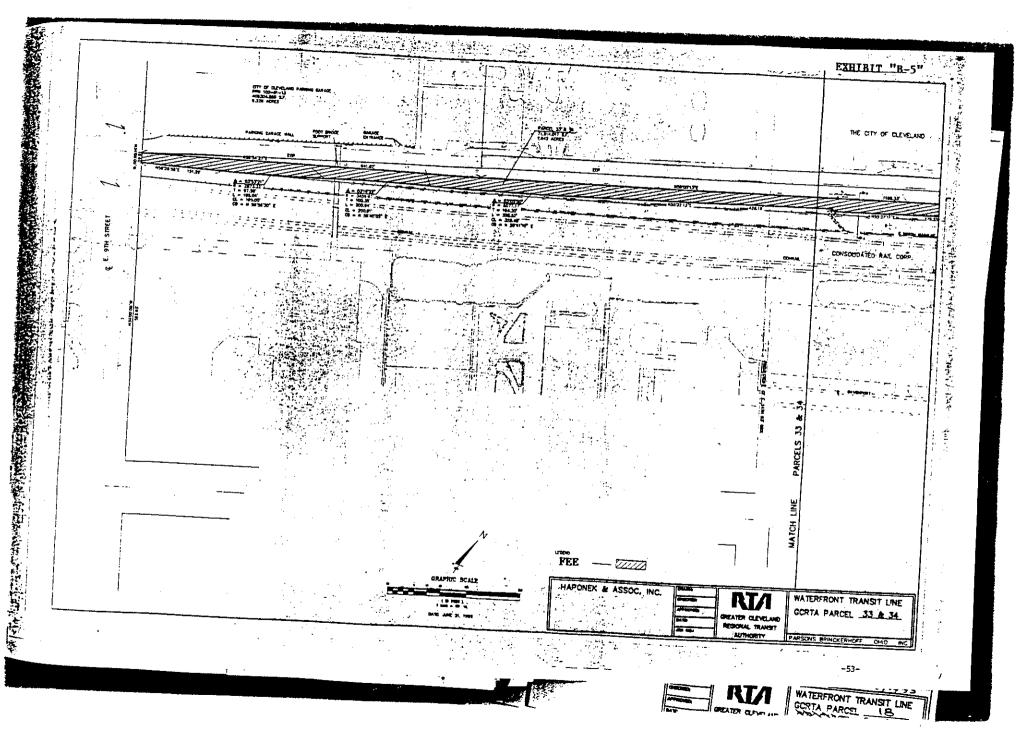




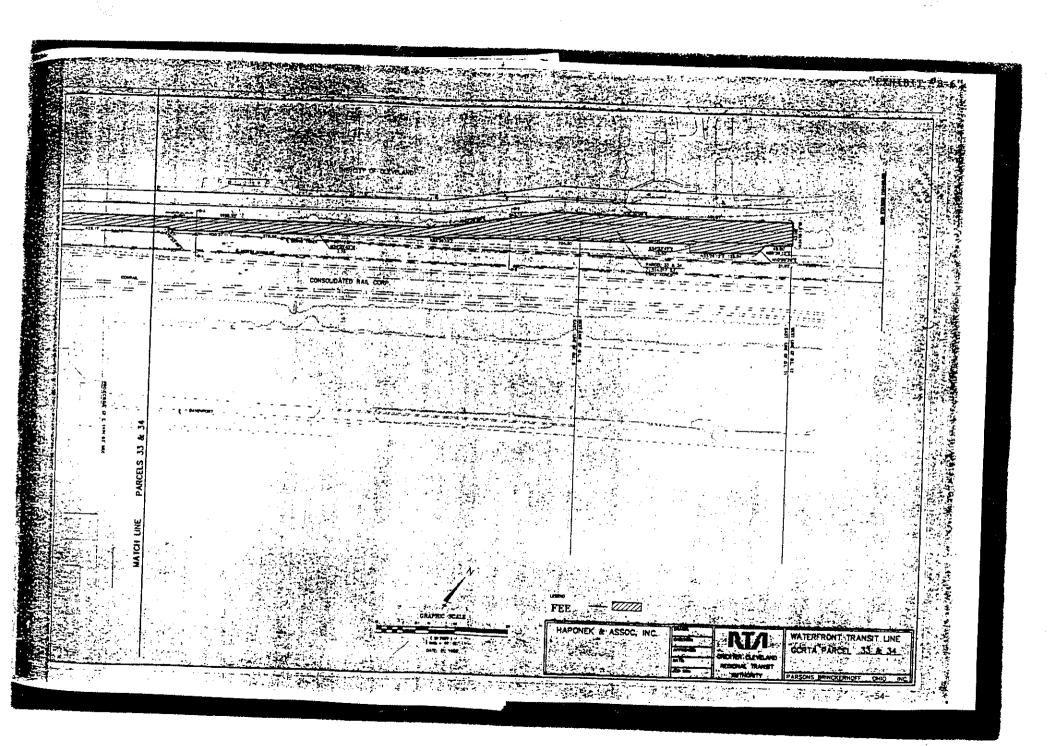


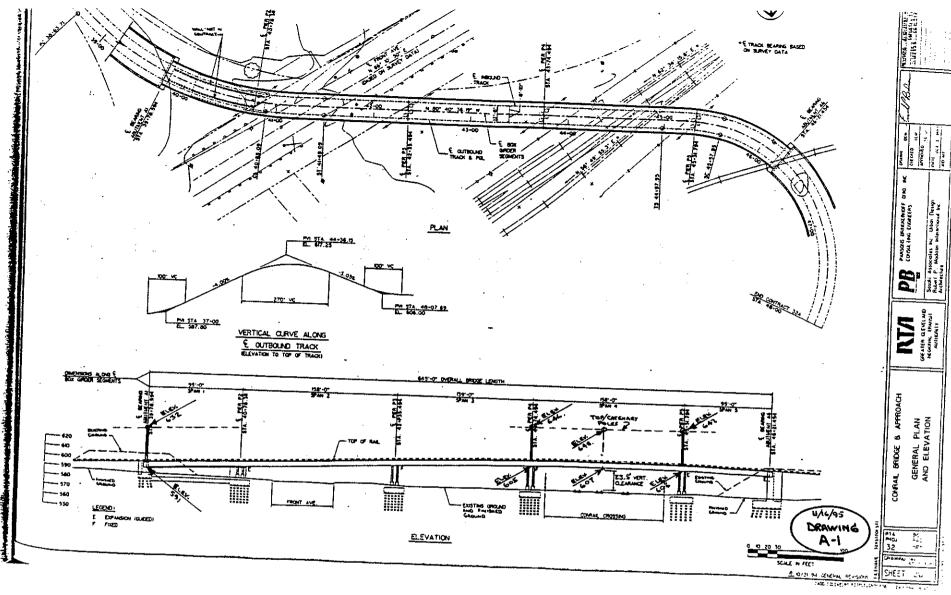
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