

RESOLUTION NO. 1997- 109

AUTHORIZING THE SALE OF THE 10TH AND 11TH FLOORS OF THE FRANK J. LAUSCHE STATE OFFICE BUILDING BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO THE OHIO BUILDING AUTHORITY FOR A PRICE OF FIVE HILLION DOLLARS (\$5,000,000).

WHEREAS, the Greater Cleveland Regional Transit Authority is the owner of the tenth (10th) and eleventh (11th) floors of the office building known as the Frank J. Lausche State Office Building, located at 615 Superior Avenue, West, in the City of Cleveland, County of Cuyahoga, State of Ohio, together with certain easements and other rights which are more fully described in the attached legal description marked as Exhibit "A", and

WHEREAS, the Greater Cleveland Regional Transit Authority has purchased the Root-McBride Building located at 1240 West Sixth Street, to serve as GCRTA's new administrative headquarters and therefore wishes to sell the present headquarters located on the tenth (10th) and eleventh (11th) floors of the Frank J. Lausche State Office Building, and

WHEREAS, the Ohio Building Authority, a body both corporate and politic of the State of Ohio, duly created, operating and existing by virtue of Chapter 152 of the Ohio Revised Code, as the previous owner of the tenth (10th) and eleventh (11th) floors of the Frank J. Lausche State Office Building, has the first right to purchase the floors and has decided to exercise that right to purchase for an agreed price of Five Million Dollars (\$5,000,000).

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

Section 1: That the Board of Trustees of the Greater Cleveland Regional Transit Authority hereby authorizes the sale of the tenth (10th) and (11th) floors of the Frank J. Lausche State Office Building, located at 615 Superior Avenue, West, Cleveland, Ohio, together with certain easements and other rights which are more fully described in the attached legal description marked and incorporated herein as Exhibit "A," to the Ohio Building Authority, a body both corporate and politic of the State of Ohio, duly created, operating and existing by virtue of Ohio Revised Code Chapter 152, having an office located at 30 East Broad Street, 40th Floor, Columbus, Ohio, for an agreed price of Five Million Dollars (\$5,000,000).

Section 2: That the General Manager is hereby authorized to sign, on behalf of the Greater Cleveland Regional Transit Authority, all documents necessary to complete the sale to the Ohio Building Authority, including a real estate purchase agreement for a sale price of Five Million Dollars (\$5,000,000) and on such other terms as he deems to be in

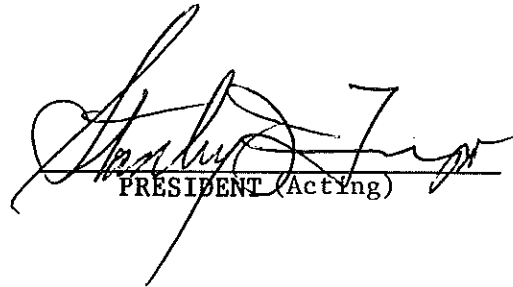
the interest of the Greater Cleveland Regional Transit Authority but not inconsistent with this Resolution.

Section 3: That this Resolution and the sale shall be subject to all other conditions or obligations imposed by law upon the Greater Cleveland Regional Transit Authority.

Section 4: That this Resolution shall take effect immediately upon its adoption.

Adopted: June 17, 1997.

Attachments: Exhibit "A"
Legal Description


PRESIDENT (Acting)

Attest: 
General Manager/Secretary-Treasurer

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1: TENTH AND ELEVENTH FLOORS OF THE BUILDING

That portion of the Frank J. Lausche State Office Building located at 615 Superior Avenue, N.W., lying between a lower horizontal plane, also being the bottom of the tenth (10th) floor structural slab, at elevation 783.10 feet and an upper horizontal plane, also being the bottom of the twelfth (12th) floor structural slab, at elevation 807.08 feet (based on Cleveland Regional Geodetic Datum), as shown on Exhibit A and Exhibit B, attached hereto and incorporated herein by reference, and situated upon the following described land:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots Nos. 74, 75, 76 and 77, and bounded and described as follows:

Beginning at a point in the Northeasterly line of the Bridge of Huron Road N.W., 84 feet in width, as shown by the Plat recorded in Volume 123 of Maps, Page 20 of Cuyahoga County Records, at its intersection with the Southeasterly line of Superior Avenue N.W., 132 feet in width;

Course No. 1: Thence North 56° 34' 25" East along the Southeasterly line of Superior Avenue N.W., 375.353 feet to its intersection with the Southwesterly line of the Bridge of Prospect Avenue N.W., 100 feet in width, as shown by the Plat recorded in Volume 120 of Maps, Page 37 of Cuyahoga County Records;

Course No. 2: Thence South 84° 03' 05" East along the Southwesterly line of said Bridge of Prospect Avenue N.W., 78.019 feet to its intersection with the Northwesterly line of the Bridge of West 6th Street, 70 feet in

width, as shown by the plat recorded in Volume 123, Page 22 of Cuyahoga County Records;

Course No. 3: Thence South 50° 56' 55" West along the Northwesterly line of said Bridge of West 6th Street 238.120 feet to its intersection with the aforementioned Northeasterly line of the Bridge of Huron Road N.W.;

Course No. 4: Then North 84° 03' 05" West along the Northeasterly line of the Bridge of Huron Road, N.W., 368.171 feet to the place of beginning;

according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made May, 1974, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM and reserving to Grantor those portions of the Tenth and Eleventh Floors occupied by structural walls, columns, beams, elevator shafts, building stairs, air ducts, pipe chases and other mechanical areas exclusively used for maintenance and operation of the Building.

AND FURTHER EXCEPTING AND RESERVING TO GRANTOR, the following:

1. All outside walls of the Building.
2. Building stairs and fire towers with enclosing walls.
3. Elevator shafts and elevator machine rooms with enclosing walls.
4. Tank rooms, flues, vents, stacks, ducts and pipe shafts with their enclosing walls (except those ducts, if any, in the floor areas solely for grantee's computer and telephone use).

5. Access to any portion of the Tenth and Eleventh Floors used for shafts, stacks, pipes, conduits, ducts, electric or other utilities, sinks or other Building facilities, and use thereof, as well as access thereto through all portions of the Premises, including but not limited to access thereto through the Tenth and Eleventh Floors, for the purpose of operation, maintenance, decoration and repair, which shall be made available to the Authority. Such use of and access to said facilities shall not be made in a manner or at times that will unreasonably interfere with the RTA's use and occupancy of the Tenth and Eleventh Floors.

PARCEL 2: ROADWAY AND UTILITIES EASEMENT

A non-exclusive easement for roadway and utilities in and through that certain permanent easement, including the air appurtenant thereto, as defined therein, created through proceedings in Probate Court of Cuyahoga County, Ohio, under Case No. 887504, a settlement entry of said proceedings having been filed for record December 13, 1979 in Volume 15211, Page 79 of Cuyahoga County Records, over the following described premises:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Two Acre Lots Nos. 73, 74 and 206, together forming a parcel of land bounded and described as follows: Beginning in the Southeasterly line of Superior Avenue, N.W. 132 feet in width, at its intersection with the Southeasterly line of an Easement for Pedestrian Passage granted to the City of Cleveland by instrument dated December 28, 1936 and recorded in Volume 4695, Page 175 of Cuyahoga County Records.

Course No. 1: Thence North 56° 34' 25" East along the Southeasterly line of Superior Avenue, N.W., 43.09 feet to its intersection with a line drawn parallel with and distant 30.00 feet Southeasterly by rectangular measurement from the aforementioned Southeasterly line of said Easement for Pedestrian Passage;

Course No. 2: Thence South 12° 27' 10" West along said parallel line, 112.30 feet to a point of curvature;

Course No. 3: Thence along the arc of a curve deflecting to the left, 59.10 feet to a point of tangency, said curved line having a radius of 23.00 feet and a chord which bears South 61° 09' 49" East a distance of 44.13 feet;

Course No. 4: Thence North 45° 13' 12" East, 89.03 feet to an angle;

Course No. 5: Thence North 43° 04' 46" East, 92.33 feet to an angle;

Course No. 6: Thence North 45° 13' 36" East, 93.45 feet to a point in the Northeasterly line of the Bridge of Huron Road, N.W., 84 feet in width, as shown by the plat recorded in Volume 123 of Maps, Page 20 of Cuyahoga County Records, said point being distant South 84° 03' 05" East, 94.24 feet as measured along the Northeasterly line of the Bridge of Huron Road, N.W., from its intersection with the aforementioned Southeasterly line of Superior Avenue, N.W.;

Course No. 7: Thence South 84° 03' 05" East along the Northeasterly line of the Bridge of Huron Road, 38.76 feet;

Course No. 8: Thence South 45° 13' 36" West, 117.42 feet to an angle;

Course No. 9: Thence South 43° 04' 46" West, 92.33 feet to an angle;

Course No. 10: Thence South 45° 13' 12" West, 182.95 feet to an angle;

Course No. 11: Thence North 43° 34' 51" West, 59.90 feet to an angle in the Southeasterly line of the aforementioned Easement for Pedestrian Passage;

Course No. 12: Thence North 18° 12' 36" East along the Southeasterly line of said Easement for Pedestrian Passage, 26.32 feet to an angle;

Course No. 13: Thence North 12° 27' 10" East along the Southeasterly line of said Easement for Pedestrian Passage 128.90 feet to the place of beginning,

according to a survey made by Garrett & Associates, Inc., Registered Engineers and Surveyors, be the same more or less, but subject to all legal highways, and all limitations, restrictions and obligations set forth in said permanent easement.

PARCEL 3: COMMON AREAS AND UTILITIES EASEMENT

A non-exclusive easement for ingress and egress, utilities, ventilating, heating, cooling, fire alarm and fire protection systems; security systems; use of the walkways, driveways, plazas, curbs, entrances, parking areas and public areas adjoining and in the Building, including, without limitation, any tunnels or passageways connected to the Building and owned by the Authority or in which Authority has an interest ("Common Areas") of the Building; shipping and receiving docks, elevators and stairs (for emergency purposes); and all other areas and facilities necessary for the peaceable use and enjoyment of the Grantee's Interests conveyed herein, on the same basis as the other occupants of the Building and subject to all Rules and Regulations as amended from time to time, for the operation of the Premises promulgated by the Authority.