

RESOLUTION NO. 1997 -196

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 THE LAND COMMONLY KNOWN AS 1768 AMHERST STREET, EAST CLEVELAND, OHIO, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 672-12-040.

WHEREAS, it is necessary and proper to acquire the land located at 1768 Amherst Street, East Cleveland, Ohio, bearing permanent parcel number 672-12-040 from Martin Tkac, Jr. and Leo Tkac for the purpose of constructing a transit facility and amenities thereto.

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 transit facility requires the taking of 1768 Amherst Street, East Cleveland, Ohio, and that the taking of this property owned by Martin Tkac, Jr. and Leo Tkac 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 transit facilities, it is necessary and proper to acquire of the land located at 1768 Amherst Street, East Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 672-12-040 free of all interests, reservations, easements, leaseholds and encumbrances, as set forth on the attached legal description and a drawing depicting the parcel owned by Martin and Leo Tkac which are incorporated herein by reference.

The parcel 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 forty-one thousand dollars (\$41,000.00).

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 a transit facility and amenities thereto.

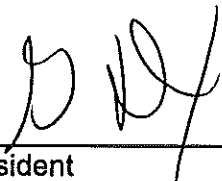
Section 6: That this Board hereby authorizes the General Manager to cause written notice of the adoption of this Resolution to be transmitted to the owner or owners, persons in possession of and persons having an interest of record in the Property, and said notice shall be served by the appropriate legal 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 Capital Grant OH-03-0150.

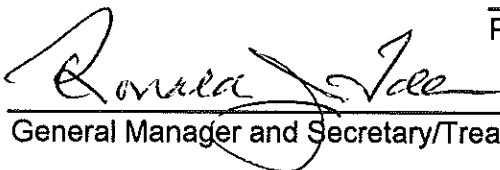
Section 8: That this Resolution shall become effective immediately upon its adoption.

Attachments: A. Legal Description
B. Drawing depicting taking

Adopted: November 18, 1997



President

Attest: 

General Manager and Secretary/Treasurer

EXHIBIT A
LEGAL DESCRIPTION

File Number 131890

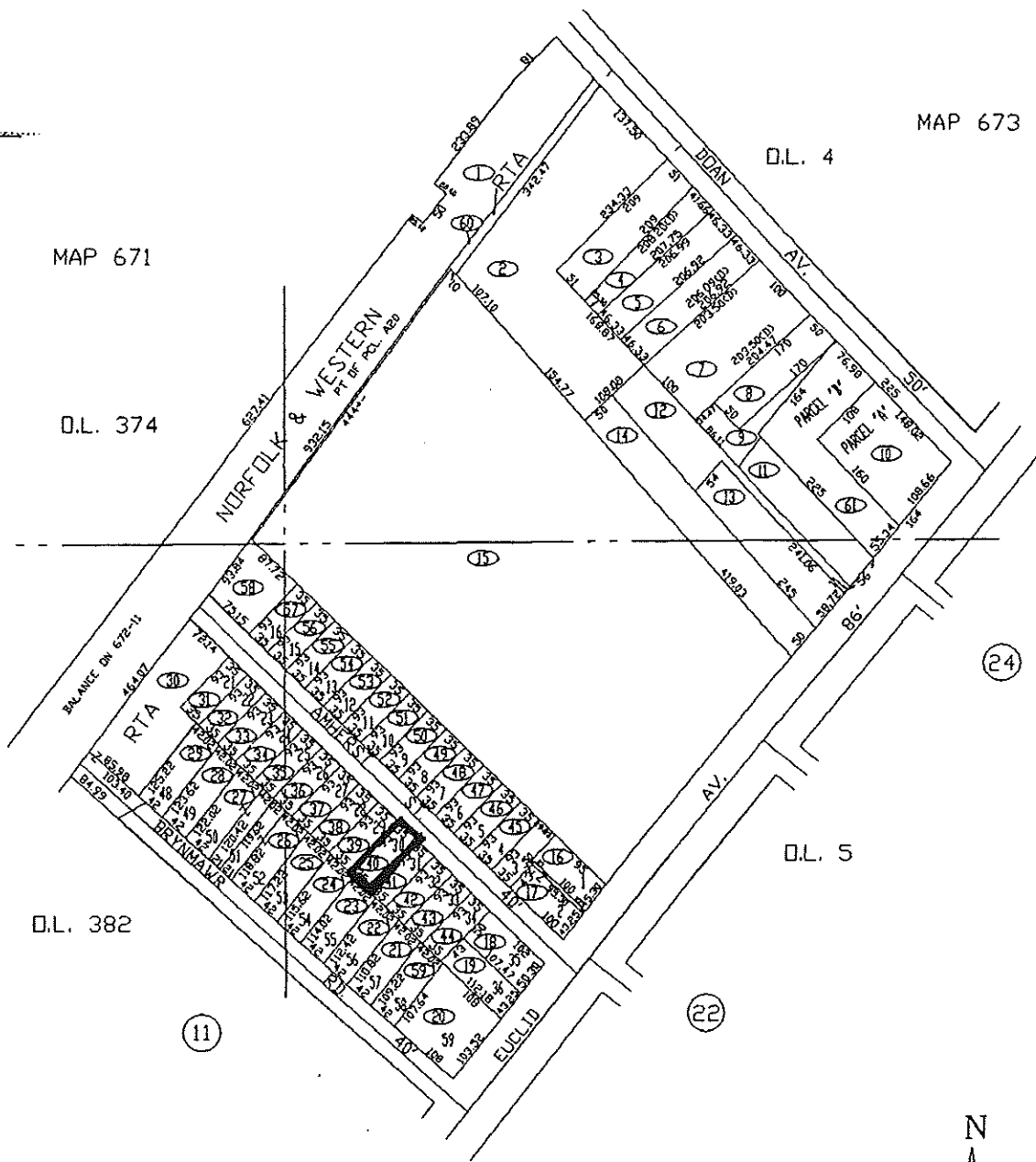
Situated in the City of East Cleveland, County of Cuyahoga and State of Ohio: and known as being Sub-lot No. 30 in the W. J. Crawford's Allotment of part of Original Euclid Township Lot No. 5 and part of Original One Hundred Acre Lot No. 382, as shown by the recorded plat in Volume 23 of Maps, Page 20 of Cuyahoga County Records and being 35 feet front on the Southwesterly side of Amherst Street, and extending back of equal width 93 feet, as appears by said plat.


END OF LEGAL DESCRIPTION

DRAWN BY: J. TIMOTHY McCORMACK



L.W. KELLEY SUB. V.51 P.23
W.J. CRAWFORD ALLOT. V.23 P.20
SURVEY OF PARTITION V.258 P.32 3-31-92



 Property to be taken



NOVEMBER 1990 REVISED: