

RESOLUTION NO. 2002 -12

AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A COURT APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF GCRTA VS. JOHN AND POPIE PAPOURAS, ET.AL, CASE NO. 2000 ADV 42926, IN ACCORDANCE WITH PREVIOUSLY PASSED BOARD RESOLUTION NO. 2000-119 FOR THE APPROPRIATION OF A FEE SIMPLE INTEREST IN THE LAND COMMONLY KNOWN AS 5926 LORAIN AVENUE IN CLEVELAND, OHIO FOR THE AMOUNT OF \$20,000 PLUS RELATED FEES (RTA DEVELOPMENT FUND – PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET).

WHEREAS, the Authority filed an Eminent Domain action for this property as authorized by Resolution No. 2000-119 when a purchase price could not be agreed upon and this parcel of property is critical to the rehab of the West 65<sup>th</sup> Street Rapid Station; and

WHEREAS, prior to trial a court approved settlement agreement was negotiated between the parties; and

WHEREAS, the Authority seeks to enter into a court approved settlement agreement with John and Popie Papouras for the property known as 5926 Lorain Avenue, Cleveland, Ohio; and

WHEREAS, the General Manager deems the court approved settlement agreement with John and Popie Papouras as negotiated, to be in the best interest of the Authority.

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

Section 1. That the court approved settlement agreement with John and Popie Papouras, as negotiated, be and the same is hereby accepted as in the best interest of the Authority.

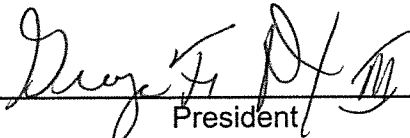
Section 2. That the General Manager of the Authority be and he is hereby authorized to enter into a court approved settlement agreement with John and Popie Papouras, Case No. 2000 ADV 42926.

Section 3. That said contract shall be payable in the amount of Twenty Thousand Dollars (\$20,000) plus related fee, payable out of the GCRTA Development Fund, Project Development & Engineering Department Budget, including but not limited to, Capital Grant OH-03-0178, which represents 80% of the cost.

Section 4. That said court approved settlement agreement shall be binding upon and an obligation of the Authority upon Board approval.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: January 15, 2002

  
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President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A COURT APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF GCRTA VS. JOHN AND POPIE PAPOURAS, ET.AL, CASE NO. 2000 ADV 42926, IN ACCORDANCE WITH PREVIOUSLY PASSED BOARD RESOLUTION NO. 2000-119 FOR THE APPROPRIATION OF A FEE SIMPLE INTEREST IN THE LAND COMMONLY KNOWN AS 5926 LORAIN AVENUE IN CLEVELAND, OHIO. FOR THE AMOUNT OF \$20,000 PLUS RELATED FEES (RTA DEVELOPMENT FUND PROJECT-DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET).	Resolution No.: 2002- 12
	Date: January 4, 2002
	Initiator: Property Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This action will allow the Authority to enter into a court approved settlement agreement to acquire a critically needed parcel of property for the rehab of the West 65<sup>th</sup> Street Station.
- 2.0 DESCRIPTION/JUSTIFICATION: The property located at 5926 Lorain Avenue is a critical property for the rehab of the West 65<sup>th</sup> Street Rapid Station. The Authority and property owners could not agree to a purchase price and an action for appropriation was filed by the Authority.
- 3.0 PROCUREMENT BACKGROUND: Not Applicable
- 4.0 POLICY IMPACT: Not Applicable
- 5.0 ECONOMIC IMPACT: The contract will be funded from the GCRTA Development Fund Budget, including but not limited to, Capital Grant OH-03-0178, Line item 12.75.91.
- 6.0 ALTERNATIVES: Reject the settlement. Rejection of the settlement would prevent the Authority from acquiring a critical parcel of property needed for the rehab of the West 65<sup>th</sup> Street Rapid Station.
- 7.0 RECOMMENDATION: It is recommended that the court approved settlement agreement be approved and the resolution passed authorizing the General Manager to enter into a court approved settlement agreement.
- 8.0 ATTACHMENTS: Board Resolution 2000-119.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

General Manager/Secretary-Treasurer

RESOLUTION NO.-2000-119

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, ON THE LAND COMMONLY KNOWN AS 5926 LORAIN AVENUE IN CLEVELAND, OHIO, FROM JOHN AND POPIE PAPOURAS, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 002-27-022, FOR THE APPRAISED VALUE AMOUNT OF \$9,200 - CAPITAL GRANT OH-03-0178 (\$7,360 IN FEDERAL FUNDS REPRESENTING 80% OF THE TOTAL COST) FOR THE WEST 65<sup>TH</sup> STATION IMPROVEMENT PROJECT - RTA DEVELOPMENT FUND - PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET.

WHEREAS, it is necessary and proper to acquire a commercial, vacant lot located at 5926 Lorain Avenue in Cleveland, Ohio, bearing permanent parcel number 002-27-022 from owners John and Popie Papouras for the purpose of conducting station improvements at the West 65<sup>th</sup> Rapid transit facility.

WHEREAS, the Greater Cleveland Regional Transit Authority (the "Authority") and the owners 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 the 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 station improvements of the transit facility requires the taking of 5926 Lorain Avenue, Cleveland, Ohio and that the taking of the property owned by John and Popie Papouras 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 improvements at the West 65<sup>th</sup> transit facility, it is necessary and proper to acquire the land located at 5926 Lorain Avenue, Cleveland, Ohio, bearing Cuyahoga's County Auditor's Permanent Parcel Number 002-27-022 free of all interests, reservations, easements, leaseholds and encumbrances, as set forth on the attached drawing depicting the parcel owned by John and Popie Papouras, which are incorporated herein by reference.

The parcel shall hereinafter be referred to as the "Property."

Section 3. That this Board finds the value of the Property, free of all interests, reservations, easements, leaseholds and encumbrances, is ninety-two hundred dollars



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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 the Board hereby deems it necessary and proper to declare its intent to appropriate the Property for the purpose of station improvements at its West 65<sup>th</sup> transit facility.


Section 6. That this Board hereby authorizes the Chief Executive Officer/General Manager to cause written notice of the adoption of this Resolution to be transmitted to the owner or 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.

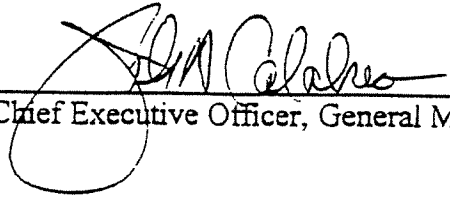
Section 7. That this Board hereby authorizes and directs the General Manager to institute legal proceedings to appropriate the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and authorizes payment of the value herein determined from Capital Grant OH-03-0178.

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

- Attachments: A. Legal Description
- B. Drawing depicting taking (parcel map)

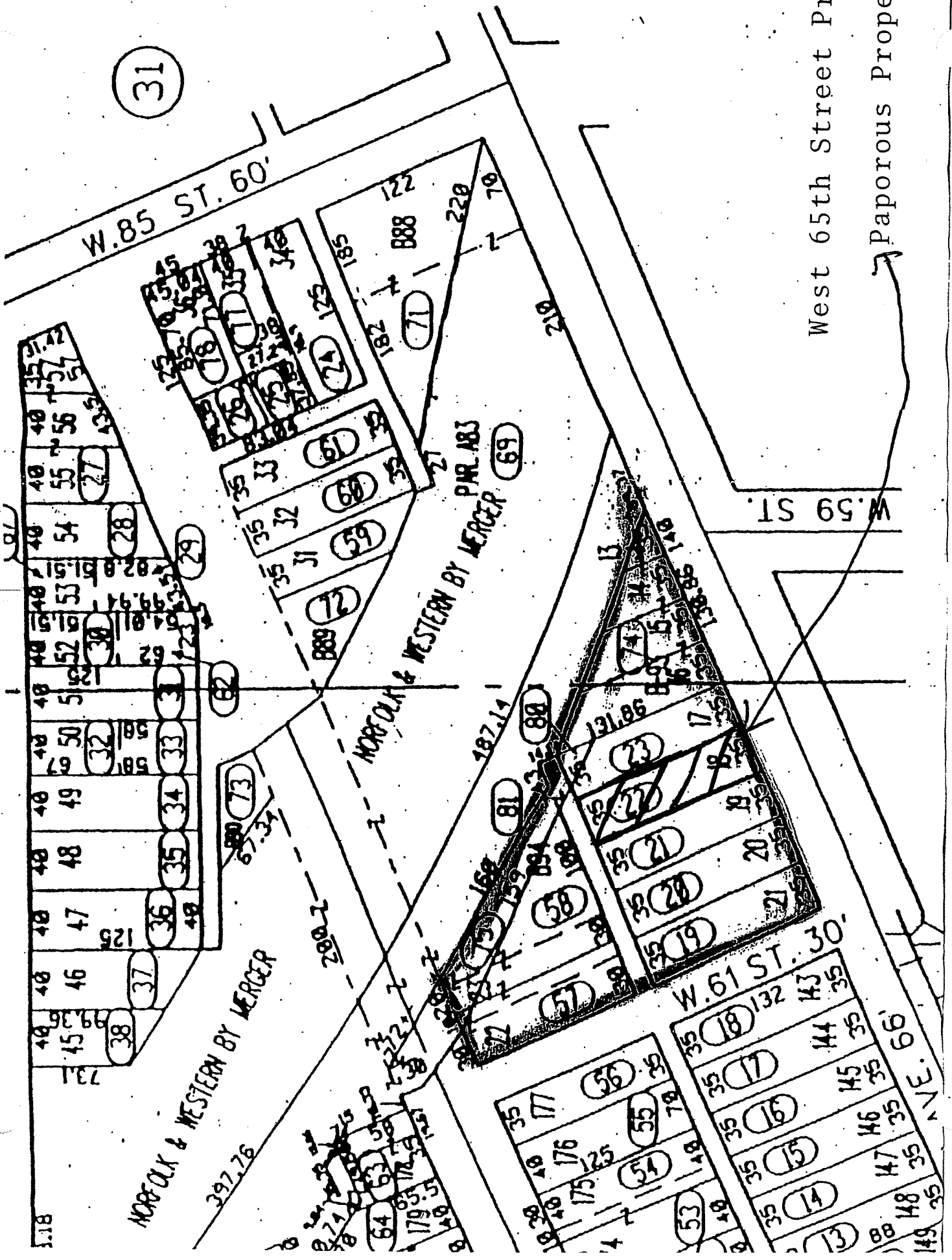
Adopted: August 23, 2000

  
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 President

Attest:   
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 Chief Executive Officer, General Manager/Secretary -Treasurer

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West 65th Street Project

Paporous Property