

RESOLUTION NO. 2002 -73

REPEALING AND REPLACING RESOLUTION NO. 2001-121, "DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE FEE SIMPLE INTEREST FREE AND CLEAR OF ALL LEASEHOLDS, RESERVATIONS, EASEMENTS AND ENCUMBRANCES, FOR A PORTION OF THE LAND LOCATED AT 5665 GREAT NORTHERN BOULEVARD, NORTH OLMSTED, OHIO, FROM NORTH OLMSTED EVANGELICAL FRIENDS CHURCH, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 236-11-017, FOR THE FAIR MARKET VALUE PLUS FEES AND COSTS FOR THE ROADWAY AT THE NORTH OLMSTED PARK-N-RIDE. RTA DEVELOPMENT FUND – PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET."

WHEREAS, the Greater Cleveland Regional Transit Authority ("RTA") has a transit related need to acquire an interest in real property for a roadway into the North Olmsted Park-n-Ride; and

WHEREAS, the real property is owned by the North Olmsted Evangelical Friends Church and is a commercial, vacant lot located at 5665 Great Northern Boulevard in North Olmsted, Ohio, bearing Permanent Parcel No. 236-11-017 ("Property"); and

WHEREAS, RTA and the North Olmsted Evangelical Friends Church were not able to reach an agreement concerning the purchase price of the Property, it will therefore be necessary to commence legal proceeding to appropriate said Property by eminent domain pursuant to Ohio Revised Code Chapters 306 and 163.

WHEREAS, the RTA Board of Trustees finds it necessary, critical and proper to authorize the General Manager/Secretary-Treasurer to appropriate the Property from the owners North Olmsted Evangelical Friends Church for a roadway into the North Olmsted Park-n-Ride; and

WHEREAS, this Board wishes to repeal and replace Resolution No. 2001-121 which directed the General Manager to appropriate the Property since the General Manager may appropriate the property or he may instead acquire an interest in the Property.

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

Section 1. That this Board finds that the new roadway for the North Olmsted Park-n-Ride requires the appropriation of a portion of the Property bearing the Cuyahoga County Auditor's Permanent Parcel Number 236-11-017 ("Property") and that the appropriation of the Property owned by North Olmsted Evangelical Friends Church is necessary, critical, and proper, and will further the objectives of the RTA.

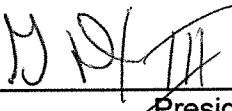
Section 2. That this Board finds it necessary, critical, and proper to hereby authorize the General Manager/Secretary-Treasurer to appropriate a portion of the Property bearing the Cuyahoga County Auditor's Permanent Parcel Number 236-11-017 in North Olmsted, Ohio for Fair market value plus costs payable from RTA Development Fund, 100% local funds, Project Development and Engineering Department budget.

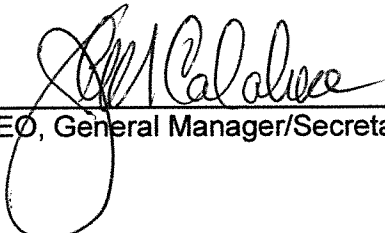
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Section 3. That this Board hereby repeals Resolution No. 2001-121.

Section 4. That this Resolution shall become effective immediately upon its adoption.

Attachments: Resolution No. 2001-121.

Adopted: April 16, 2002.   
President

Attest:   
CEO, General Manager/Secretary-Treasurer

RESOLUTION NO. 2001 – 121

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE FEE SIMPLE INTEREST FREE AND CLEAR OF ALL LEASEHOLDS, RESERVATIONS, EASEMENTS AND ENCUMBRANCES, ON A PORTION OF THE LAND COMMONLY KNOWN AS 5665 GREAT NORTHERN BOULEVARD, NORTH OLMSTED, OHIO, FROM NORTH OLMSTED EVANGELICAL FRIENDS CHURCH, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 236-11-017, FOR THE FAIR MARKET VALUE FOR THE NEW PARK-N-RIDE ACCESS ROAD AT THE NORTH OLMSTED PARK-N-RIDE. RTA DEVELOPMENT FUND – PROGRAMMING AND PLANNING DEPARTMENT BUDGET.

WHEREAS, it is necessary, critical and proper to acquire a commercial, vacant lot located at 5665 Great Northern Boulevard in North Olmsted, Ohio, bearing Permanent Parcel No. 236-11-017 from owners North Olmsted Evangelical Friends Church for a new Park-n-Ride Access Road at the North Olmsted Park-n-Ride.

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 partial taking of 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, Cuyahoga County, Ohio:

Section 1. That this Board finds that the new Park-n-Ride Access Road for the North Olmsted Park-n-Ride requires the partial taking of land at 5665 Great Northern Boulevard, North Olmsted, Ohio and that the partial taking of the property owned by North Olmsted Evangelical Friends Church is both necessary, critical, 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 North Olmsted Park-n-Ride, it is necessary and proper to acquire a portion of the land located at 5665 Great Northern Boulevard, North Olmsted, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel No. 236-11-017 free of all interests, reservations, easements, leaseholds and encumbrances, as set forth on the attached drawing depicting the parcel owned by the North Olmsted Evangelical Friends Church, which is incorporated herein by reference.

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

Section 3. That said contract shall be payable out of the RTA Development Fund, Programming and Planning Department Budget, at fair market value.

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.

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Page 2.

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 North Olmsted Park-n-Ride.

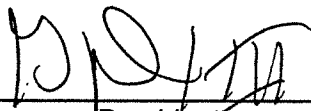
Section 6. That this Board hereby authorizes the Chief Executive Officer/General Manager/Secretary-Treasurer to cause written notice of the adoption of this Resolution to be transmitted to the owner or persons in possession of and persons having an interest of record in the Property, and said notice 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.

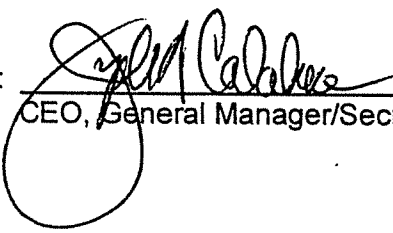
Section 7. That this Board hereby authorizes and directs the General Manager to institute legal proceedings to appropriate the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and authorizes payment of the value herein determined from the RTA Development Fund, Programming and Planning Department Budget.

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

Attachments: Drawing depicting taking (parcel map)

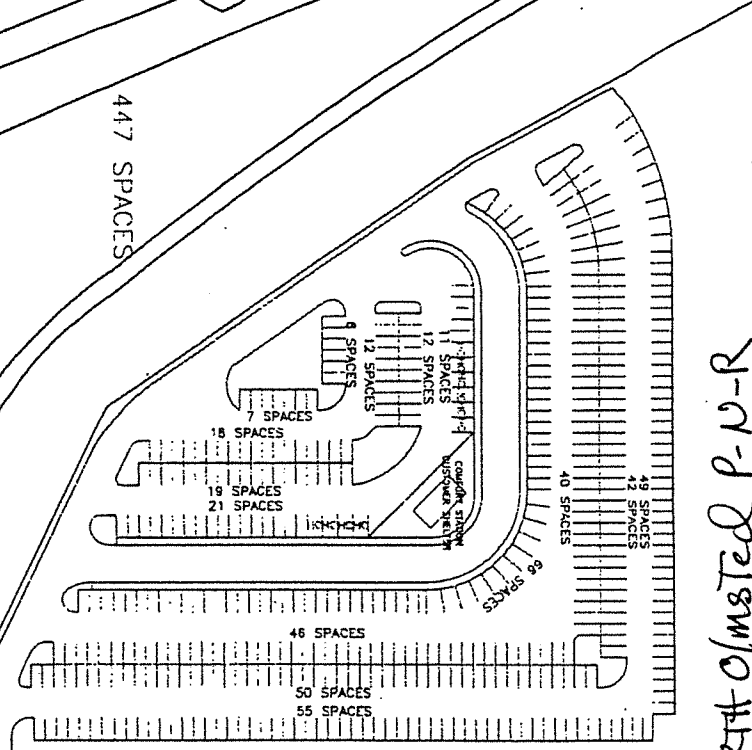
Adopted: August 21, 2001.

  
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President

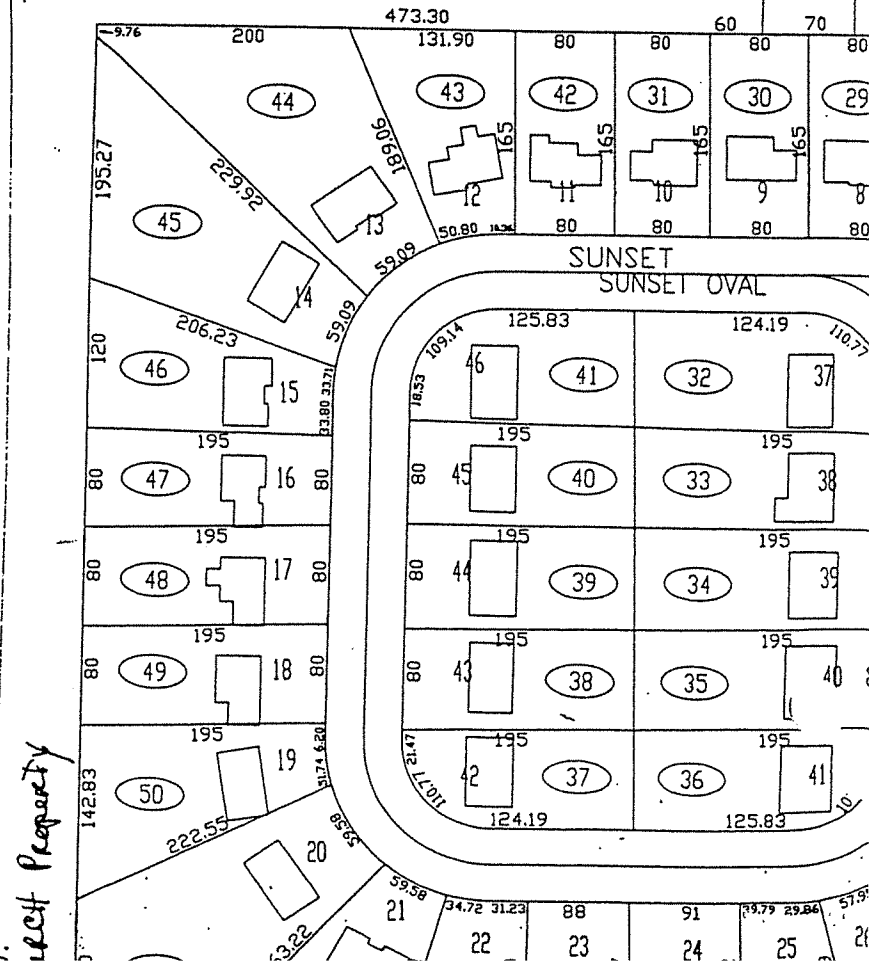
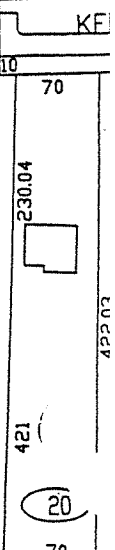
Attest:   
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CEO, General Manager/Secretary-Treasurer



447 SPACES



NORTH OLMSTED P-U-R



left Property

# NORTH OLMSTED PARK -N- RIDE PROJECT

RESOLUTIONS  
15727

FRIENDS OF NORTH OLMSTED  
EVANGICAL CHURCH  
[PARTIAL TAKE] 23611017

Great Northern Blvd

FUTURE  
RTA Park -n- Ride  
& Transit Center

23612004

23616013

23616014

Kennedy Ridge Rd

GR. NORTHERN PROPERTIES, INC.  
AKA BISKIND PROP.

[FULL TAKE]

Sunset Oval



[MARCH 2002]



X-7

<p><b>TITLE/DESCRIPTION:</b> REPEALING AND REPLACING RESOLUTION NO. 2001-121, "DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE FEE SIMPLE INTEREST FREE AND CLEAR OF ALL LEASEHOLDS, RESERVATIONS, EASEMENTS AND ENCUMBRANCES, ON A PORTION OF THE LAND COMMONLY KNOWN AS 5665 GREAT NORTHERN BOULEVARD, NORTH OLMSTED, OHIO, FROM NORTH OLMSTED EVANGELICAL FRIENDS CHURCH, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 236-11-017, FOR THE FAIR MARKET VALUE PLUS FEES AND COSTS FOR THE ROADWAY AT THE NORTH OLMSTED PARK-N-RIDE. RTA DEVELOPMENT FUND – PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET."</p>	Resolution No.: 2002-73
	Date: April 16, 2002
	Initiator: Property Management
<p><b>ACTION REQUEST:</b>                  XX Approval   <input type="checkbox"/> Review/Comment   <input type="checkbox"/> Information Only   <input type="checkbox"/> Other _____</p>	

**1.0 PURPOSE/SCOPE:** The Greater Cleveland Regional Transit Authority ("RTA") has a transit related need to acquire an interest in the real property owned by the North Olmsted Evangelical Friends Church, a commercial vacant lot bearing the Cuyahoga County Auditor's Permanent Parcel Number 236-11-017, located at 5665 Great Northern Boulevard in North Olmsted ("Property") for a roadway into the North Olmsted Park-n-Ride. RTA and North Olmsted Evangelical Friends Church were not able to reach an agreement concerning the purchase price of the Property. This Board wishes to repeal and replace Resolution No. 2001-121 which directed the General Manager / Secretary Treasurer to appropriate the Property since the General Manager / Secretary Treasurer may appropriate the property by eminent domain pursuant to Ohio Revised Code Chapters 306 and 163 or he may instead acquire an interest in the Property.

**2.0 DESCRIPTION/JUSTIFICATION:** RTA will take eminent domain action unless City of North Olmsted (City) does so. RTA and the City entered into a Public Transportation Operating Agreement (Agreement) approved by the Board of Trustees on November 23, 1999, which at Section 42 outlines the cooperation between RTA and the City for the development of the Park-n-Ride. The City's Council authorized the use of legal action to proceed with the acquisition of the Property in December 2001. The City is amenable to granting to RTA an interest in said Property for the Fair market value plus costs and the sum shall be payable out of the RTA Development Fund, Project Development and Engineering Department budget -100% local funds in the event that the City appropriates said Property prior to action by RTA to acquire it.

**3.0 PROCUREMENT BACKGROUND:** Not Applicable

**4.0 DBE / AFFIRMATIVE ACTION BACKGROUND:** None

**5.0 POLICY IMPACT:** The use of Eminent domain by RTA is consistent with RTA's administrative polices and acquisition procedures. The new Park-n-Ride will create a better quality service for RTA passengers.

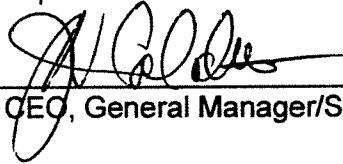
6.0 ECONOMIC IMPACT: It is necessary, critical, and proper to authorize the appropriation of the Property for Fair market value plus costs which sums shall be payable out of the RTA Development Fund, Project Development and Engineering Department budget -100% local funds.

7.0 ALTERNATIVES: There are two options. The first is to "do-nothing" and this would cause the Park-n-Ride project to cease due to the lack of an entrance roadway. The RTA would most likely lose the majority of its ridership in the area because its leased Park-n-Ride space expires in October of 2002 without a renewal possibility. The second and best alternative is to authorize the General Manager / Secretary Treasurer to appropriate the Property.

8.0 RECOMMENDATION: It is recommended that the Board of Trustees authorize the General Manager / Secretary Treasurer to appropriate the Property for North Olmsted Park-n-Ride.

9.0 ATTACHMENTS: Parcel Map

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



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CEO, General Manager/Secretary-Treasurer