

RESOLUTION NO. 2002- 145

AMENDING RESOLUTION NO. 2001-186, AUTHORIZING THE GENERAL MANAGER TO CURE THE ENCROACHMENT OF THE BRADLEY BUILDING LOCATED AT 1220 WEST SIXTH STREET, CLEVELAND, OHIO 44113 BY ACQUIRING FROM ITS OWNER 61 SQUARE FEET OF PROPERTY AT A COST NOT TO EXCEED \$9,000.00 PAYABLE OUT OF THE GENERAL FUND, PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET.

WHEREAS, Resolution No. 2001-186 authorized the General Manager to cure the encroachment on the Bradley Building at a cost of \$3,000.00 plus related costs not to exceed \$6,000.00; and

WHEREAS, the Seller's fees and costs have increased due to unforeseen expenses including but not limited to the release of the Seller's mortgage lien on the property; and

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

Section 1. That Section 3 of Resolution 2001-186 be and hereby is amended to read as follows:

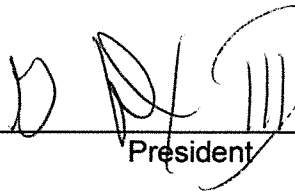
"Section 3. That said settlement agreement to cure the encroachment shall be payable from the General Fund, Project Development and Engineering Department Budget, at a cost not to exceed \$9,000.

Section 2. That all other provisions of said resolution shall remain unchanged.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachments: Resolution No. 2001-186

Adopted: August 20, 2002



President

Attest: 

CEO, General Manager/ Secretary-Treasurer



TITLE/DESCRIPTION:
AMENDING OF RESOLUTION NO. 2001-186, AUTHORIZING THE GENERAL MANAGER TO CURE THE ENCROACHMENT OF THE BRADLEY BUILDING LOCATED AT 1220 WEST SIXTH STREET, CLEVELAND, OHIO 44113 BY ACQUIRING FROM ITS OWNER, 61 SQUARE FEET OF PROPERTY AT A COST NOT TO EXCEED \$9,000.00 PAYABLE OUT OF THE GENERAL FUND, PROJECT DEVELOPMENT AND ENGINEERING DEPARTMENT BUDGET.

Resolution No.:
2002- 145

Date:
August 5, 2002

Initiator: Property Management

ACTION REQUEST:

Approval Review/Comment Information Only Other _____

- 1.0 **PURPOSE/SCOPE:** The Greater Cleveland Regional Transit Authority (RTA) Board of Trustees approved Resolution No. 2001-186 on December 18, 2001 for the acquisition of the encroached portion of the adjacent Bradley Building. During the course of completing the purchase it was discovered that the sellers closing costs were going to be higher than originally estimated at the time Resolution No. 2001-186 was prepared. The purpose of this resolution is to increase the amount of funding needed to acquire the property and to amend the resolution.
- 2.0 **DESCRIPTION/JUSTIFICATION:** During the rehabilitation and extension of the Root McBride Building there was 61 square foot encroachment upon the adjacent Bradley Building. The Authority seeks to cure the encroachment.
- 3.0 **PROCUREMENT BACKGROUND:** None
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** None
- 5.0 **POLICY IMPACT:** None
- 6.0 **ECONOMIC IMPACT:** The Authority seeks to cure the encroachment by acquiring the 61 square feet. The total cost to cure the encroachment will be \$9,000.00 payable from the General Fund, Project Development and Engineering Department Budget.
- 7.0 **ALTERNATIVES:** There are two alternatives. The first is to "do-nothing" and let the encroachment remain. This would expose the Authority to legal action by the property owner. The second is to approve the acquisition at a cost not to exceed \$9,000.00.
- 8.0 **RECOMMENDATION:** It is recommended that the Board of Trustees approve the resolution giving the General Manager/Secretary Treasurer the authority to enter into the agreement with the Bradley Associates Ltd.

9.0 ATTACHMENTS: None.

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



CEO, General Manager/Secretary-Treasurer