

RESOLUTION NO. 2004- 92

AUTHORIZING THE REVISION OF REAL ESTATE POLICIES ADOPTED BY THE BOARD OF TRUSTEES IN RESOLUTION 2002-98.

WHEREAS, the Board of Trustees by Resolution 2002-098 adopted Real Estate Polices governing the real estate transactions of the Greater Cleveland Regional Transit Authority (GCRTA); and

WHEREAS, it is the recommendation of the Board of Trustees Planning and Development Committee to modify said policy to improve and make the process of transacting real estate more efficient; and

WHEREAS, the Real Estate Policies do not provide sufficient detail as it relates to the General Manager/Secretary-Treasurer's authorization for Temporary and Permanent Easements.

WHEREAS, the present Real Estate Policies require Board of Trustees approval for licenses and leases exceeding 12 months and/or \$25,000 in revenue or cost.

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

Section 1. That Dispositions of Real property section of the policy now excludes permanent easements.

Section 2. That the term under which the General Manager/Secretary-Treasurer is authorized to enter into leases without approval by the Board of Trustees is modified from 12 months to not to exceed 3 years and/or not to exceed \$25,000.

Section 3. That for Temporary Easements the General Manager/Secretary-Treasurer is authorized to grant or accept temporary construction easements without approval of the Board of Trustees for a term not to exceed 3 years and/or not to exceed \$25,000.

Section 4. That for Permanent Easements the General Manager/Secretary-Treasurer is authorized to grant or accept a Permanent Easement without approval by the Board of Trustees with a value not to exceed \$2,500.


Section 5. That the term under which the General Manager/Secretary-Treasurer is authorized to enter into license agreements without approval of the Board of Trustees is changed from 12 months to not to exceed 3 years and/or not to exceed \$25,000.

Section 6. That this resolution shall become effective immediately upon its adoption.

Resolution No. 2004- 92
Page 2

Attachment: Revised Real Estate Policies

Adopted: June 15, 2004



President

Attest: 

CEO, General Manager/Secretary-Treasurer

Real Estate Policies

Acquisitions of real property.	License agreements.
Dispositions of real property.	Limited use agreements.
Leases.	Fee schedule.
Joint development agreements.	Compliance with FTA regulations

CROSS REFERENCES

Board of Trustees - see ADM. Ch. 220
General Manager/Secretary-Treasurer - see ADM. Ch. 242

ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by GCRTA require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02.)

DISPOSITIONS OF REAL PROPERTY.

Dispositions of real property regarding real property require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02.)

LEASES.

(a) Leases of GCRTA real property granted by GCRTA require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that originally or after amendment or other means of continuous use by or grant to another party exceed twenty-five thousand dollars (\$25,000) in total revenue and/or are for a term of more than three years (36 months). GCRTA shall not enter into leases or temporary easements that provide for automatic renewals. Leases over 3 years (36 months) that do not provide in excess of twenty-five thousand dollars (\$25,000) may be authorized by the General Manager/Secretary-Treasurer without Board approval; however, Board approval shall be required for any means of continuous use or grant that would involve the total lease twenty-five thousand dollars (\$25,000) in revenue.

(b) Leases by GCRTA of another party's real property, GCRTA across another's property require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that originally or after amendment or other means of continuous use by or grant to GCRTA exceed twenty-five thousand dollars (25,000) in total cost and/or are for more than 3 years (36 months). GCRTA shall not enter into leases or temporary easements that provide for automatic renewals. Leases that do not exceed three years and that do not provide for total revenue in excess of twenty-five thousand dollars

(\$25,000) may be authorized by the General Manager/Secretary-Treasurer without Board approval; however, Board approval shall be required for any means of continuous use or grant that would involve the total lease or grant exceeding 3 years (36 months) or twenty-five thousand dollars (\$25,000) in cost.
(Res. 2002-98. Passed 5-21-02.)

Temporary Easements

The granting or acceptance of a Temporary Easement for construction, access, use, etc. by GCRTA for a term less than 3 years (36 months) and for less than twenty-five thousand dollars (\$25,000) is authorized to the General Manager/Secretary-Treasurer without approval of the Board of Trustees.

Permanent Easements

(a) The conveyance or acceptance of a Permanent Easement by GCRTA with a value of less than twenty-five hundred dollars (\$2,500) is authorized to the General Manager/Secretary-Treasurer without approval of the Board of Trustees.

(b) The conveyance or acceptance of any Permanent Easement by GCRTA with a value in excess of twenty-five hundred dollars (\$2,500), requires recommendation of the General Manager/Secretary-Treasurer and approval of the Board of Trustees.

License Agreements

(a) License agreements regarding use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000) in revenue or cost or are 3 years (36 months), require recommendation by the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(b) Licenses that do not exceed twenty-five thousand dollars (\$25,000) and may be authorized by the General Manager/Secretary-Treasurer without approval of the Board of Trustees; however, approval by the Board of Trustees shall be required for any means of continuous grant that causes the total grant 3 years (36 months) or twenty-five thousand dollars (\$25,000) in revenue or cost.
(Res. 2002-98. Passed 5-21-02.)

Limited Use Agreements

(a) Limited use agreements regarding GCRTA real property or that of another party require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that originally or after amendment or other means of continuous use exceed twenty-five thousand dollars (\$25,000) in total revenue or cost and 3 years (36 months).

(b) Limited use agreements where the total revenue or cost is twenty-five thousand dollars (\$25,000) or less which are for a term of 3 years (36 months) or less may be authorized by the General Manager/Secretary-Treasurer without Board approval; however, Board approval shall be required for any amendment or means of continuous use that cause the use to exceed three years or the revenue or cost to exceed twenty-five thousand dollars (\$25,000).

Joint Development Agreements

Joint development agreements require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.
(Res. 2002-98. Passed 5-21-02.)

Fee Schedule

The General Manager/Secretary-Treasurer is authorized to establish a fee schedule for the use of Authority real property and facilities. Limited use agreements include, but are not limited to, use of Authority facilities for special events, filming agreements, temporary construction easements, permits to come upon and/or use GCRTA real property, construction staging area permits, and temporary right-of-way permits.
(Res. 2002-98. Passed 5-21-02.)

Compliance with FTA Regulations

All real estate transactions must be reviewed for determination of compliance with FTA regulations.
(Res. 2002-98. Passed 5-21-02.)



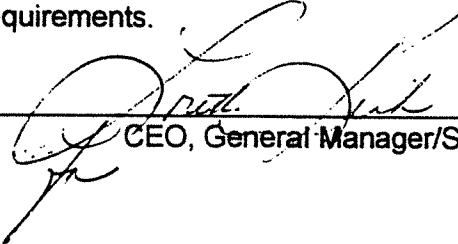
Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

m-3

TITLE/DESCRIPTION: AUTHORIZING THE REVISION OF THE REAL ESTATE POLICIES ADOPTED BY THE BOARD OF TRUSTEES IN RESOLUTION 2002-098.	Resolution No.: 2004- 92
	Date: June 10, 2004
	Initiator: Programming & Planning
ACTION REQUEST: xx Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This Resolution amends and revises the Real Estate Policies adopted by the Board of Trustees under Resolution 2002-098 on May 21, 2002.
- 2.0 DESCRIPTION/JUSTIFICATION: The policy as adopted under Resolution 2002-98 consolidated real estate transactions by type. It was GCRTA's first attempt at setting term requirements for Board of Trustees Action for lease, temporary easement and license agreements. It was discovered after 2 years under the policy, that these limits were too low and should be increased to provide for a more efficient process. The prior policy also did not provide sufficient detail on Permanent and Temporary Easements. Thus, sections were added including policy for both types of transactions. The sole new right granted to the General Manager/Secretary-Treasurer was the ability to accept or grant permanent easements under \$2,500. This will assist in streamlining the easement process for all present and pending transportation improvement projects requiring permanent easements from or by GCRTA. The improvement of the real estate process was recommended in the FTA sponsored Risk Assessment of the Euclid Corridor Transportation Project (ECTP).
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This action revises the Board of Trustees Real Estate Policy of May 21, 2002 and is compliant with all state and FTA regulations. It is also consistent with the FTA approved ECTP Real Estate Acquisition Management Plan (RAMP).
- 6.0 ECONOMIC IMPACT: The streamlining for the real estate transaction policy will reduce the amount of staff time required to process basic real estate transactions thereby decreasing the full or ultimate cost of some real estate transactions to the Authority.
- 7.0 ALTERNATIVES: Do not approve the Revision to the Real Estate Policies requiring Board Approval of all permanent easements and all temporary easements, leases, and licenses with a term over 12 months thereby not responding to FTA's recommendations in their ECTP Risk Assessment.
- 8.0 RECOMMENDATION: This revision was reviewed by the Board of Trustees Planning and Development Committee at their June 1, 2004 meeting and recommended for approval by the Board of Trustees.

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



CEO, General Manager/Secretary-Treasurer