

RESOLUTION NO. 2005 - 70

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE PROPERTY INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN ALL OR A PORTION OF THE LANDS COMMONLY KNOWN AS: A) 3001 EUCLID AVENUE IN CLEVELAND, OHIO, FROM SCRIPPS-HOWARD RADIO, INC., AN OHIO CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-06-028, FOR ECTP PARCEL NUMBER 111, FOR THE APPRAISED VALUE AMOUNT OF \$14,992.00. B) 3101 EUCLID AVENUE IN CLEVELAND, OHIO FROM NASSIMI CLEVELAND DEVELOPMENT, INC., AN OHIO CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 103-06-030 & 103-06-029, FOR ECTP PARCEL NUMBER 119, FOR THE APPRAISED VALUE AMOUNT OF \$994.00. C) 6809 EUCLID AVENUE IN CLEVELAND, OHIO FROM THE CARMEN DIGERONIMO LIMITED PARTNERSHIP, AN OHIO LIMITED PARTNERSHIP, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 118-06-019 & 118-06-067, FOR ECTP PARCEL NUMBER 187, FOR THE APPRAISED VALUE AMOUNT OF \$120,675.00. D) 7208 EUCLID AVENUE IN CLEVELAND, OHIO FROM THE FOLLOWING EIGHT OWNERS: 1) MARGARET A. KENDRICK, A.K.A. MARGARET ADAMS KENDRICK 2) JAMES S. ADAMS 3) THOMAS L. INGERSOLL 4) WINIFRED INGERSOLL MEYER 5) ELLEN ADAMS PURE 6) JONESVILLE PRESBYTERIAN CHURCH 7) IRON MOUNTAIN/SAFESITE, INC., A DELAWARE CORPORATION 8) IRON MOUNTAIN INFORMATION MANAGEMENT, INC. A DELAWARE CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-15-004, FOR ECTP PARCEL NUMBER 203, FOR THE APPRAISED VALUE AMOUNT OF \$540.00, FOR A TOTAL AMOUNT OF \$137,201.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET.)

WHEREAS, the Greater Cleveland Regional Transit Authority (the "Authority") deems it necessary and proper to acquire property in support of the Euclid Corridor Transportation Project – C03; and

WHEREAS, it is necessary and proper for the Authority to acquire real property interests at: a) 3001 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 103-06-028, for ECTP Parcel Number 111, from owner Scripps-Howard Radio, Inc., an Ohio corporation for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. b) 3101 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 103-06-030 & 103-06-029, for ECTP Parcel Number 119, from owner Nassimi Cleveland Development, Inc., an Ohio corporation, for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. c) 6809 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 118-06-019 & 118-06-067, for ECTP Parcel Number 187, from owner The Carmen DiGeronimo Limited Partnership, an Ohio Limited Partnership, for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. d) 7208 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 118-15-004, for ECTP Parcel Number 203, from the following eight owners: 1) Margaret A. Kendrick, A.K.A. Margaret Adams Kendrick 2) James S. Adams 3) Thomas L. Ingersoll 4) Winifred Ingersoll Meyer 5) Ellen Adams Pure 6) Jonesville Presbyterian Church 7) Iron Mountain/Safesite, Inc., a Delaware corporation 8) Iron Mountain Information Management, Inc.

a Delaware corporation, for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith; and

WHEREAS, the sum value of the portion of the lands needed by the Authority is one hundred thirty seven thousand two hundred one dollars and 00/100 (\$137,201.00), a Review Appraiser approved this value, and negotiations were conducted in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended; and

WHEREAS, the Authority and the owners of the properties have been unable to reach agreement concerning the purchase of said lands by the Authority, it will therefore be necessary to commence legal proceedings to appropriate a property interest in said lands 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 making and repairing roads and the acquisition of right-of-way in conjunction therewith for the Euclid Corridor Transportation Project requires the taking of specific property interests as detailed in Exhibit 1, which is incorporated herein by reference, in the following properties: a) 3001 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Scripps-Howard Radio, Inc., an Ohio corporation is both necessary and proper, and will further the objectives of the Authority. b) 3101 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Nassimi Cleveland Development, Inc., an Ohio corporation, is both necessary and proper, and will further the objectives of the Authority. c) 6809 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by The Carmen DiGeronimo Limited Partnership, an Ohio Limited Partnership, is both necessary and proper, and will further the objectives of the Authority. d) 7208 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by the following eight owners: 1) Margaret A. Kendrick, A.K.A. Margaret Adams Kendrick 2) James S. Adams 3) Thomas L. Ingersoll 4) Winifred Ingersoll Meyer 5) Ellen Adams Pure 6) Jonesville Presbyterian Church 7) Iron Mountain/Safesite, Inc., a Delaware corporation 8) Iron Mountain Information Management, Inc. a Delaware corporation, is both necessary and proper, and will further the objectives of the Authority.

Section 2. That in order to implement and complete improvements for the Euclid Corridor Transportation Project – C03, it is necessary and proper to acquire interests in the lands located at: a) 3001 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 103-06-028, for ECTP Parcel Number 111, as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Scripps-Howard Radio, Inc., an Ohio corporation which is incorporated herein by reference. b) 3101 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 103-06-030 & 103-06-029, for ECTP Parcel Number 119, as set forth on the attached drawing labeled Attachment B depicting the parcel owned by Nassimi Cleveland Development, Inc., an Ohio corporation, which is incorporated herein by reference. c) 6809 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 118-06-019 & 118-06-067, for ECTP Parcel Number 187, as set forth on the attached drawing labeled Attachment C depicting the parcel owned by the Carmen DiGeronimo Limited Partnership, an Ohio Limited Partnership, which is incorporated herein by reference. d) 7208 Euclid Avenue, Cleveland, Ohio, bearing

Cuyahoga County Auditor's Permanent Parcel Number 118-15-004, for ECTP Parcel Number 203, as set forth on the attached drawing labeled Attachment D depicting the parcel owned by the following eight owners: 1) Margaret A. Kendrick, A.K.A. Margaret Adams Kendrick 2) James S. Adams 3) Thomas L. Ingersoll 4) Winifred Ingersoll Meyer 5) Ellen Adams Pure 6) Jonesville Presbyterian Church 7) Iron Mountain/Safesite, Inc., a Delaware corporation 8) Iron Mountain Information Management, Inc. a Delaware corporation, which is incorporated herein by reference. Parcels (a) through (d) above shall hereinafter be referred to as the "Property."

Section 3. That the value of the interests in the Property is one hundred thirty seven thousand two hundred one dollars and 00/100 (\$137,201.00). This amount is the value of the interests in the Property as determined by the property appraisal reports and as approved by a Review Appraiser.

Section 4. That the Authority and the owners have been unable to reach agreement concerning the purchase and sale of the interests in the Property. Negotiations were conducted in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended.

Section 5. That it is necessary and proper to declare an intent to appropriate the interests in the Property for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith for the Euclid Corridor Transportation Project – C03.

Section 6. That the General Manager/Secretary-Treasurer is hereby authorized to cause written notice of the adoption of this Resolution to be transmitted to the owners 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 the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$85,750.63 and Capital Grant OH-90-X484-01 in the amount of \$51,450.38 for a total amount of \$137,201.00 (\$109,760.80 in Federal funds which represents 80% of the total cost). Federal funds under Capital Grant OH-90-X484-01 are made available through the Ohio Department of Transportation.

Section 8. That the General Manager/Secretary-Treasurer is hereby authorized to execute all other documents required to acquire and transfer the interests in the Property.

Section 9. That this Resolution shall become effective immediately upon its adoption.

Attachments: maps and legal descriptions (Attachments A - D)
property interest spreadsheet (Exhibit 1)
six exhibits (A) Legal descriptions

Adopted: May 17, 2005

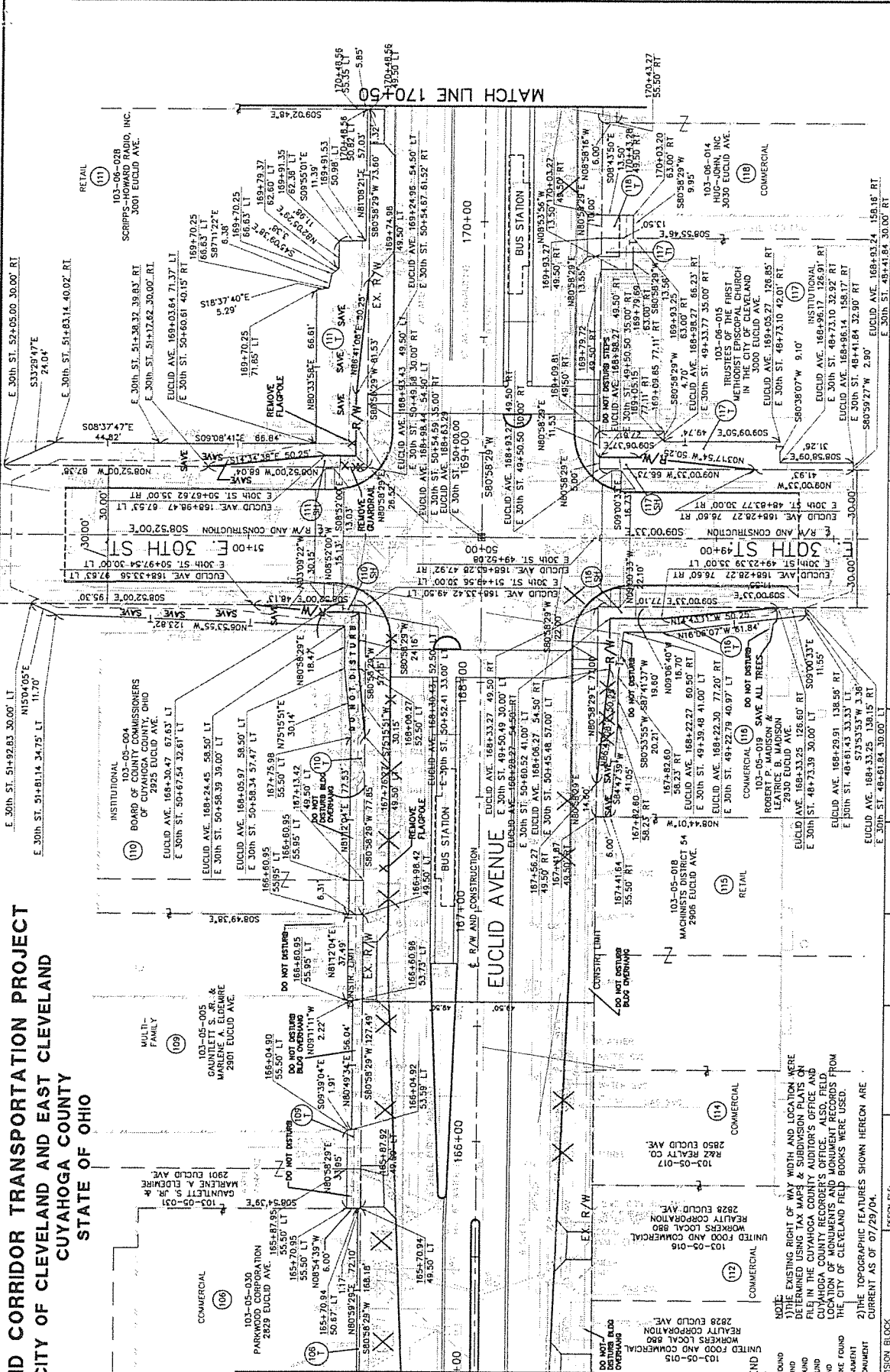


President

Attest: 

CEO, General Manager/Secretary -Treasurer

**EUCLID CORRIDOR TRANSPORTATION PROJECT
CITY OF CLEVELAND AND EAST CLEVELAND
CUYAHOGA COUNTY
STATE OF OHIO**



MONUMENT LEGEND

- ① 1/4" - IRON PIN SET
- ② 1/4" - DRILL HOLE FOUND
- ③ 1/4" - IRON PIPE FOUND
- ④ 1/4" - IRON PIPE FOUND
- ⑤ 1/4" - IRON PIPE FOUND
- ⑥ 1/4" - IRON PIPE FOUND
- ⑦ 1/4" - IRON PIPE FOUND
- ⑧ 1/4" - IRON PIPE FOUND
- ⑨ 1/4" - IRON PIPE FOUND
- ⑩ 1/4" - IRON PIPE FOUND
- ⑪ 1/4" - IRON PIPE FOUND
- ⑫ 1/4" - IRON PIPE FOUND
- ⑬ 1/4" - IRON PIPE FOUND
- ⑭ 1/4" - IRON PIPE FOUND
- ⑮ 1/4" - IRON PIPE FOUND
- ⑯ 1/4" - IRON PIPE FOUND
- ⑰ 1/4" - IRON PIPE FOUND
- ⑱ 1/4" - IRON PIPE FOUND
- ⑲ 1/4" - IRON PIPE FOUND
- ⑳ 1/4" - IRON PIPE FOUND
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- ㉒ 1/4" - IRON PIPE FOUND
- ㉓ 1/4" - IRON PIPE FOUND
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- ㊽ 1/4" - IRON PIPE FOUND
- ㊾ 1/4" - IRON PIPE FOUND
- ㊿ 1/4" - IRON PIPE FOUND

REVISION BLOCK

NO.	DATE	BY	REASON
1	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
2	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
3	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
4	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
5	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
6	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
7	07/29/04	HWK/RWT	ISSUED FOR PERMITTING

NOTES:
 1) THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION PLATS ON FILE IN THE CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY RECORDER'S OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.
 2) THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 07/29/04.

REVISION BLOCK

NO.	DATE	BY	REASON
1	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
2	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
3	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
4	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
5	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
6	07/29/04	HWK/RWT	ISSUED FOR PERMITTING
7	07/29/04	HWK/RWT	ISSUED FOR PERMITTING

SCALE:
 HORIZONTAL: 1" = 20'
 VERTICAL: N/A

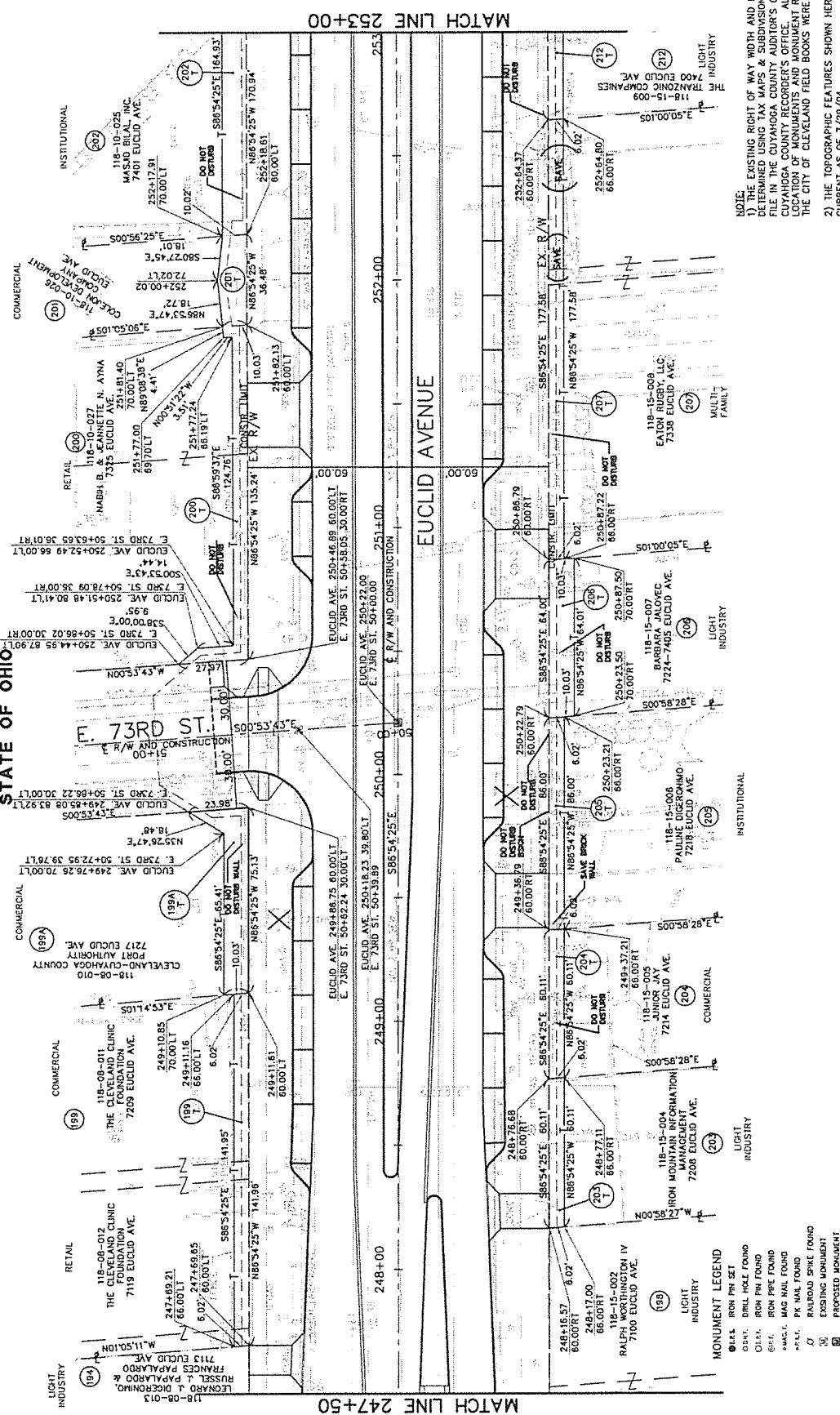
DESIGN BY: HWK/RWT
DRAWN BY: HWK/RWT
CHECKED BY: HWK/RWT
DATE: 07/29/04

PROJECT: EUCLID CORRIDOR TRANSPORTATION PROJECT
LOCATION: STA. 165+00 TO STA. 170+00
BID PACKAGE: 3B - C03

CLIENT: CITY OF CLEVELAND AND EAST CLEVELAND
ENGINEER: RTA
REGISTERED PROFESSIONAL ENGINEER: WILSON SMITH ASSOCIATES
ADDRESS: 11111 W. 111TH ST., CLEVELAND, OHIO 44125
PHONE: (216) 481-1111
FAX: (216) 481-1112
WWW: WWW.WILSONSMITHASSOCIATES.COM

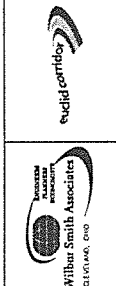
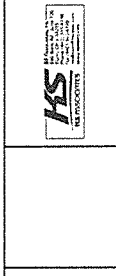
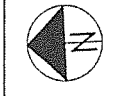
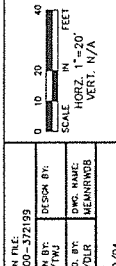
SHEET NO.: RW162
TOTAL SHEETS: 22 OF 44

EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO



REVISION BLOCK

NO.	DATE	BY	CHKD. BY	APP'D. BY	DESCRIPTION
1	11/19/04				
2					
3					
4					
5					
6					
7					



ROW PLAN
EUCLID AVENUE
STA. 247+50 TO STA. 253+00
BID PACKAGE 38 - C03

SHEET NO.
RW136
TOTAL SHEETS
40 OF 44

NOTE:
1) THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION PLANS ON FILE IN THE CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY RECORDER'S OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.
2) THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 7/29/04.

- MONUMENT LEGEND**
- 1/4" IRON PIN SET
 - 1/4" DRILL HOLE FOUND
 - 1/4" CH. IRON PIN FOUND
 - 1/4" CH. IRON PIPE FOUND
 - 1/4" CH. PK NAIL FOUND
 - 1/4" CH. PK NAIL FOUND
 - 1/4" CH. RAILROAD SPIKE FOUND
 - 1/4" CH. EXISTING MONUMENT
 - 1/4" CH. PROPOSED MONUMENT

ROW Parcel Number	County Auditor's Permanent Parcel Number	ECTP Bid Package	Owner	Acquisition Action	Fee Simple Gross Take (Acres)	Permanent Easement Gross Take (Acres)	Temporary Easement Gross Take (Acres)
111 SH	103 06 028	C03	Scripps-Howard Radio, Inc.	Permanent Easement	0.0000	0.0109	0.0000
111 T	103 06 028	C03	Scripps-Howard Radio, Inc.	Temporary Easement	0.0000	0.0000	0.0650
119 T	103 06 029 103 06 030	C03	Nassimi Cleveland Development, Inc.	Temporary Easement	0.0000	0.0000	0.0142
187 WD	118 06 019	C03	The Carmen DiGeronimo Limited Partnership	Fee Simple	0.1415	0.0000	0.0000
187 T	118 06 067	C03	The Carmen DiGeronimo Limited Partnership	Temporary Easement	0.0000	0.0000	0.0141
203 T	118 15 004	C03	1) Margaret A. Kendrick, A.K.A. Margaret Adams Kendrick 2) James S. Adams 3) Thomas L. Ingersoll 4) Winifred Ingersoll Meyer 5) Ellen Adams Pure 6) Jonesville Presbyterian Church 7) Iron Mountain/Safesite, Inc., a Delaware corporation 8) Iron Mountain Information Management, Inc., a Delaware Corporation	Temporary Easement	0.0000	0.0000	0.0083

EXHIBIT A

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RX 270
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

111SH
GCRTA-PROJ. 38-CO5
November 3, 2004

**PARCEL 111 - SH
GCRTA-PROJ. 38-CO5
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the Greater Cleveland Regional Transit Authority and the City of Cleveland, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area. (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of Original 10 Acre Lot 87, also a part of the lands conveyed to Scripps-Howard Radio, Inc. by Volume 8609, Page 472 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the intersection of the northerly right of way of Euclid Avenue and the easterly right of way of East 30th Street at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 168+93.43 and 30.00 feet right of centerline of right of way and construction of East 30th Street Station 50+49.58;

- 1) Thence North 08° 52' 00" West along the easterly right of way of East 30th Street, 68.04 feet to a point 117.54 feet left of centerline of right of way and construction of Euclid Avenue Station 168+93.61 and 30.00 feet right of centerline of right of way and construction of East 30th Street Station 51+17.62;
- 2) Thence leaving said right of way, South 14° 34' 38" East, 50.25 feet to a point 67.53 feet left of centerline of right of way and construction of Euclid Avenue Station 168+98.47 and 35.00 feet right of centerline of right of way and construction of East 30th Street Station 50+67.62;
- 3) Thence South 08° 52' 00" East, 13.03 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 168+98.44 and 35.00 feet right of centerline of right of way and construction of East 30th Street Station 50+54.59;
- 4) Thence North 80° 58' 29" East, 26.52 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 169+24.96 and 61.52 feet right of centerline of right of way and construction of East 30th Street Station 50+54.67;
- 5) Thence North 86° 41' 08" East, 50.25 feet to a point on the existing northerly right of way of Euclid Avenue at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 169+74.96;
- 6) Thence South 80° 58' 29" West along said right of way, 81.53 feet to the point of beginning.

Containing within said bounds 0.0109 acres of land in Parcel 103-06-028.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

EXHIBIT A

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PID
PARCEL
CTY-RTE-SEC
Version Date

111SH
GCRTA-PROJ. 38-C05
November 3, 2004

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and the centerline of right of way and construction of East 30th Street.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

11/3/04

Mark A. Yeager
Mark A. Yeager, P.S. 7289



EXHIBIT A

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RX250
Rev. 04/03

PID	111T
PARCEL	
CTY-RTE-SEC	GCRTA-PROJ.38-CO3
Version Date	November 3, 2004

PARCEL 111-T
GCRTA-PROJ.38-CO3
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of Original 10 Acre Lot 87, also a part of the lands conveyed to Scripps-Howard Radio, Inc. by Volume 8609, Page 472 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the southeasterly corner of the grantor and on the northerly right of way of Euclid Avenue at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 170+48.56;

- 1) Thence South 80° 58' 29" West along said right of way, 73.60 feet to a point 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 169+74.96;
- 2) Thence leaving said right of way, South 86° 41' 08" West, 50.25 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 169+24.96 and 61.52 feet right of centerline of right of way and construction of East 30th Street Station 50+54.67;
- 3) Thence South 80° 58' 29" West, 26.52 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 168+98.44 and 35.00 feet right of centerline of right of way and construction of East 30th Street Station 50+54.59;
- 4) Thence North 08° 52' 00" West, 13.03 feet to a point 67.53 feet left of centerline of right of way and construction of Euclid Avenue Station 168+98.47 and 35.00 feet right of centerline of right of way and construction of East 30th Street Station 50+67.62;
- 5) Thence North 14° 34' 38" West, 50.25 feet to a point on the existing easterly right of way of East 30th Street at 117.54 feet left of centerline of right of way and construction of Euclid Avenue Station 168+93.61 and 30.00 feet right of centerline of right of way and construction of East 30th Street Station 51+17.62;
- 6) Thence North 08° 52' 00" West along said right of way, 87.38 feet to a point 30.00 feet right of centerline of right of way and construction of East 30th Street Station 52+05.00;
- 7) Thence leaving said right of way, South 33° 29' 47" East, 24.04 feet to a point 40.02 feet right of centerline of right of way and construction of East 30th Street Station 51+83.14;
- 8) Thence South 08° 37' 47" East, 44.82 feet to a point 39.83 feet right of centerline of right of way and construction of East 30th Street Station 51+38.32;

EXHIBIT A

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Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date
111T
GCRTA-PROJ.38-CO3
November 3, 2004

- 9) Thence South 09° 08' 41" East, 66.84 feet to a point 71.37 feet left of centerline of right of way and construction of Euclid Avenue Station 169+03.64 and 40.15 feet right of centerline of right of way and construction of East 30th Street Station 50+60.61;
- 10) Thence North 80° 33' 58" East, 66.61 feet to a point 71.85 feet left of centerline of right of way and construction of Euclid Avenue Station 169+70.25;
- 11) Thence South 18° 37' 40" East, 5.29 feet to a point 66.63 feet left of centerline of right of way and construction of Euclid Avenue Station 169+70.25;
- 12) Thence South 87° 11' 22" East, 6.38 feet to a point 66.63 feet left of centerline of right of way and construction of Euclid Avenue Station 169+70.25;
- 13) Thence South 45° 09' 38" East, 3.38 feet to a point 62.60 feet left of centerline of right of way and construction of Euclid Avenue Station 169+79.37;
- 14) Thence North 82° 05' 29" East, 11.98 feet to a point 62.36 feet left of centerline of right of way and construction of Euclid Avenue Station 169+91.35;
- 15) Thence South 09° 55' 01" East, 11.39 feet to a point 50.98 feet left of centerline of right of way and construction of Euclid Avenue Station 169+91.53;
- 16) Thence North 81° 08' 21" East, 57.03 feet to a point on the westerly line of lands conveyed to Nassimi Cleveland Development, Inc by Instrument No. 200111130629 on file in the Cuyahoga County Recorder's Office and at 50.82 feet left of centerline of right of way and construction of Euclid Avenue Station 170+48.56;
- 17) Thence South 09° 02' 48" East along said line, 1.32 feet to the point of beginning.

Containing within said bounds 0.0650 acres of land in Parcel 103-06-028.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and East 30th Street.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

11/3/04

Mark A. Yeager
Mark A. Yeager, P.S. 7289



PARCEL 119-T
GCRTA-PROJ.38-CO5
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of Original 10 Acre Lot 87, also a part of the lands conveyed to Nassimi Cleveland Development, Inc. by Instrument No. 200111130629 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the southeasterly corner of the grantor and on the northerly right of way of Euclid Avenue at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 171+73.15;

- 1) Thence South 80° 58' 29" West along said right of way, 124.59 feet to the southwesterly corner of the grantor at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 170+48.56;
- 2) Thence leaving said right of way, North 09° 02' 48" West along the easterly line of lands conveyed to Scripps-Howard Radio, Inc. by Volume 8609, Page 472 on file in the Cuyahoga County Recorder's Office, 5.85 feet to a point 55.35 feet left of centerline of right of way and construction of Euclid Avenue Station 170+48.56;
- 3) Thence leaving said line, North 81° 47' 41" East, 124.62 feet to a point on the westerly line of lands conveyed to 3131 Euclid Corporation by Volume 8254, Page 583 on file in the Cuyahoga County Recorder's Office at 53.57 feet left of centerline of right of way and construction of Euclid Avenue Station 171+73.16;
- 4) Thence South 08° 48' 54" East along said line, 4.07 feet to the point of beginning.

Containing within said bounds 0.0142 acres of land of which 0.0051 acres lie in Parcel 103-06-029 and 0.0091 acres lie in Parcel 103-06-030.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

6/15/04

Mark A. Yeager, P.S. 7289



EXHIBIT A

RX250
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date
187T
GCRTA-PROJ.38-CO5
June 15, 2004

PARCEL 187-T
GCRTA-PROJ.38-CO5
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being known as a part of Original 100 Acre Lot 338, being also part of the lands conveyed to The Carmen Digeronimo Limited Partnership by Instrument No. 200210250681 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue bounded and described as follows;

Beginning at the southeasterly corner of the grantor at the intersection of the westerly right of way of East 69th Street and the centerline of a covered alley at 135.94 left of centerline of right of way and construction of Euclid Avenue Station 238+10.69 and 18.50 feet left of centerline of right of way and construction of East 69th Street Station 51+37.66, said point being 96.20 feet distant northerly as measured along said westerly right of way from the northerly right of way of Euclid Avenue;

- 1) Thence leaving said right of way South 88° 53' 12" West along said centerline, being also the northerly line of land conveyed to The Carmen Digeronimo Limited Partnership by Instrument No. 200208020896 on file in the Cuyahoga County Recorder's Office, 65.73 feet to the southwesterly corner of the grantor at 131.14 left of centerline of right of way and construction of Euclid Avenue Station 237+45.14 and 84.23 feet left of centerline of right of way and construction of East 69th Street Station 51+37.66;
- 2) Thence leaving said line North 01° 06' 48" West along the easterly line of land conveyed to Dunham Tavern Museum by Volume 89-1571, Page 38 on file in the Cuyahoga County Recorder's Office, 9.41 feet to a point 140.52 left of centerline of right of way and construction of Euclid Avenue Station 237+44.45 and 84.23 feet left of centerline of right of way and construction of East 69th Street Station 51+47.07;
- 3) Thence leaving said line North 88° 57' 36" East, 65.73 feet to a point on the westerly right of way of East 69th Street at 145.24 left of centerline of right of way and construction of Euclid Avenue Station 238+10.01 and 18.50 feet left of centerline of right of way and construction of East 69th Street Station 51+46.99;
- 4) Thence South 01° 06' 48" East along said right of way 9.33 feet to the point of beginning.

Containing within said bounds 0.0141 acres of land in Parcel 118-06-067.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and the centerline of right of way and construction of East 69th Street.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date: 6/15/04

Mark A. Yeager
Mark A. Yeager, P.S. 7289



PARCEL 187 -WD
GCRTA- PROJ. 38-CO5
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area. (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter.)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being known as a part of Original 100 Acre Lot 338, also being the land conveyed to The Carmen DiGeronimo Limited Partnership by Instrument No. 200208020896 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue bounded and described as follows;

Commencing the intersection of the centerline of the right of way and construction of Euclid Avenue (Station 238+39.20) with the centerline of right of way and construction of East 69th Street (Station 50+00.00) said intersection being referenced by a stone with drill hole found in a monument box on the centerline of right of way and construction of East 69th Street bearing North 01° 06' 48" West, 40.04 feet; thence along said centerline North 01° 06' 48" West, 40.10 feet to the northerly right of way of Euclid Avenue at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 238+36.27 and centerline of right of way and construction of East 69th Street Station 50+40.11; thence North 86° 55' 22" West along said northerly right of way, 18.55 feet to the westerly right of way of East 69th Street at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 238+17.72 and 18.50 feet left of centerline of right of way and construction of East 69th Street Station 50+41.46, said point being witnessed by an iron pin set 20.05 feet distant bearing North 01° 06' 48" West on said westerly line of East 69th Street, said point being the **True Point of Beginning** for the parcel herein described;

- 1.) Thence North 86° 55' 22" West along said northerly right of way, 65.91 feet to the southeast corner of land conveyed to Dunham Tavern Museum by Volume 89-1571, Page 38 on file in the Cuyahoga County Recorder's Office at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 237+51.81;
- 2.) Thence leaving said right of way, North 01° 06' 48" West along the easterly of said land conveyed to Dunham Tavern Museum, 91.38 feet to an iron pin set at the southwest corner of Parcel 1 of lands conveyed to The Carmen DiGeronimo Limited Partnership by Instrument No. 200210250681 on file in the Cuyahoga County Recorder's Office at 131.14 feet left of centerline of right of way and construction of Euclid Avenue Station 237+45.14, said line passing through an iron pin set 10.03 feet distant northerly from the northerly right of way of Euclid Avenue;
- 3.) Thence North 88° 53' 12" East along the centerline of a covered alley, 65.73 feet to an iron pin set on the westerly right of way of East 69th Street at 135.94 feet left of centerline of right of way and construction of Euclid Avenue Station 238+10.69 and 18.50 feet left of centerline of right of way and construction of East 69th Street Station 51+37.66;
- 4.) Thence South 01° 06' 48" East along said right of way, 96.20 feet to the point of beginning.

Containing within said bounds 0.1415 acres of land in Parcel 118-06-019.

EXHIBIT A

RX250
Rev. 04/03

PID	187WD
PARCEL	GCRTA-PROJ.38-CO5
CTY-RTE-SEC	June 15, 2004
Version Date	

All iron pins set are 30" x 5/8" capped rebar labeled KS ASSOCS INC PROP MARKER. Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and the centerline of right of way and construction of East 69th Street.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

6/15/04

Mark A. Yeager
Mark A. Yeager, P.S. 7289



PARCEL 203-T
GCRTA-PROJ.38-CO5
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original 100 Acre Lot No. 339, also a part of the lands conveyed to Iron Mountain Information Management in Instrument No. 200310100275 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the right side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the northwesterly corner of the grantor and on the southerly right of way of Euclid Avenue 60.00 feet right of centerline of right of way and construction of Euclid Avenue Station 248+16.57;

- 1) Thence South 86° 54' 25" East along the southerly right of way of Euclid Avenue, 60.11 feet to a point on the westerly line of lands conveyed to Junior Jay in Volume 20058, Page 56 on file in the Cuyahoga County Recorder's Office at 60.00 feet right of centerline of right of way and construction of Euclid Avenue Station 248+76.68;
- 2) Thence leaving said right of way, South 00° 58' 28" East, 6.02 feet along said line to a point 66.00 feet right of centerline of right of way and construction of Euclid Avenue Station 248+77.11;
- 3) Thence North 86° 54' 25" West, 60.11 feet to a point on the easterly line of lands conveyed to Ralph Worthington IV in Volume 98-7619, Page 11 on file in the Cuyahoga County Recorder's Office at 66.00 feet right of centerline of right of way and construction of Euclid Avenue Station 248+17.00;
- 4) Thence North 00° 58' 27" West along said line, 6.02 feet to the point of beginning.

Containing within said bounds 0.0083 acres of land in Parcel 118-15-004.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

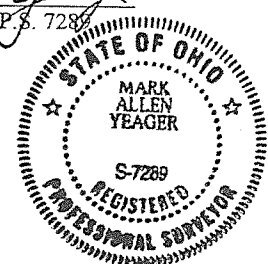
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

6/15/04

Mark A. Yeager
Mark A. Yeager, P.S. 7289





Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS


P-10

<p>DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE PROPERTY INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN ALL OR A PORTION OF THE LANDS COMMONLY KNOWN AS: A) 3001 EUCLID AVENUE IN CLEVELAND, OHIO, FROM SCRIPPS-HOWARD RADIO, INC., AN OHIO CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-06-028, FOR ECTP PARCEL NUMBER 111, FOR THE APPRAISED VALUE AMOUNT OF \$14,992.00. B) 3101 EUCLID AVENUE IN CLEVELAND, OHIO FROM NASSIMI CLEVELAND DEVELOPMENT, INC., AN OHIO CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 103-06-030 & 103-06-029, FOR ECTP PARCEL NUMBER 119, FOR THE APPRAISED VALUE AMOUNT OF \$994.00. C) 6809 EUCLID AVENUE IN CLEVELAND, OHIO FROM THE CARMEN DIGERONIMO LIMITED PARTNERSHIP, AN OHIO LIMITED PARTNERSHIP, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 118-06-019 & 118-06-067, FOR ECTP PARCEL NUMBER 187, FOR THE APPRAISED VALUE AMOUNT OF \$120,675.00. D) 7208 EUCLID AVENUE IN CLEVELAND, OHIO FROM THE FOLLOWING EIGHT OWNERS: 1) MARGARET A. KENDRICK, A.K.A. MARGARET ADAMS KENDRICK 2) JAMES S. ADAMS 3) THOMAS L. INGERSOLL 4) WINIFRED INGERSOLL MEYER 5) ELLEN ADAMS PURE 6) JONESVILLE PRESBYTERIAN CHURCH 7) IRON MOUNTAIN/SAFESITE, INC., A DELAWARE CORPORATION 8) IRON MOUNTAIN INFORMATION MANAGEMENT, INC. A DELAWARE CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-15-004, FOR ECTP PARCEL NUMBER 203, FOR THE APPRAISED VALUE AMOUNT OF \$540.00, FOR A TOTAL AMOUNT OF \$137,201.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET.)</p>	<p>Resolution No.: 2005- 70</p>
	<p>Date: May 12, 2005</p>
	<p>Initiator: Euclid Corridor Transportation Project</p>
<p>ACTION REQUEST:</p> <p><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____</p>	

- 1.0 PURPOSE/SCOPE: The purpose of entering into eminent domain proceedings is to provide a legal right to acquire and transfer needed property rights to construct the Euclid Corridor Transportation Project – CO3.
- 2.0 DESCRIPTION/JUSTIFICATION: This property is vital for right of way needed for the first phase of construction of the Euclid Corridor Transportation Project. These sites must be acquired for the purpose of making and repairing roads to better improve public transportation in Cleveland and the acquisition of right of way in conjunction therewith. Since agreement could not be reached with property owners after fair negotiating for a minimum of 45 days, eminent domain proceedings may be initiated. Construction is anticipated to commence in August 2005 so time is of the essence.
- 3.0 PROCUREMENT BACKGROUND: Does Not Apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does Not Apply.

- 5.0 POLICY IMPACT: This is consistent with GCRTA's Real Estate Policy, which states that the Board of Trustees must approve all eminent domain proceedings. Initiating eminent domain proceedings after 45 days of fair negotiating is consistent with the ECTP Real Estate Acquisition Policy Manual (RAMP). A 30-day minimum is generally accepted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. These thresholds were satisfied with each of the subject property owners.
- 6.0 ECONOMIC IMPACT: The purchase price is payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$85,750.63 and Capital Grant OH-90-X484-01 in the amount of \$51,450.38 for a total amount of \$137,201.00 (\$109,760.80 in Federal funds which represent 80% of the total cost). Federal funds under Capital Grant OH-90-X484-01 are made available through the Ohio Department of Transportation. The amount authorized by the resolution is the appraised value of the properties. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report.
- 7.0 ALTERNATIVES: There are no viable alternatives to purchasing these properties because the right of way needs for the project require this acquisition. Since the Authority could not reach agreement with the owners, eminent domain proceedings must be initiated in order to move forward with the Euclid Corridor Transportation Project on schedule.
- 8.0 RECOMMENDATION: This property acquisition was reviewed by the Board of Trustees Euclid Corridor Ad Hoc Committee at their May 3, 2005 meeting and recommended for approval to the Board of Trustees if agreement could not be reached by May 17, 2005. Further negotiations since May 3, 2005 have not been successful. Staff recommends that the Board of Trustees approve the resolution to authorize initiation of eminent domain proceedings.

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



CEO, General Manager/Secretary-Treasurer