

RESOLUTION NO. 2005 - 79

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) 3250 EUCLID AVENUE IN CLEVELAND, OHIO, FROM BUILDING LABORERS LOCAL UNION #310, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-07-016, FOR ECTP PARCEL NUMBER 129, FOR THE APPRAISED VALUE AMOUNT OF \$1,385.00. B) 3608 EUCLID AVENUE IN CLEVELAND, OHIO FROM HATTON FAMILY PARTNERSHIP, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-07-010, FOR ECTP PARCEL NUMBER 136, FOR THE APPRAISED VALUE AMOUNT OF \$1,286.00. C) 3738-3740 EUCLID AVENUE IN CLEVELAND, OHIO FROM PATRICIA A. HEBEN, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-08-012 AND 103-08-013 FOR ECTP PARCEL NUMBER 141, FOR THE APPRAISED VALUE AMOUNT OF \$1,449.00. D) 4000 EUCLID AVENUE IN CLEVELAND, OHIO FROM LEVEL 3 COMMUNICATIONS, LLC, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-09-011, FOR ECTP PARCEL NUMBER 144, FOR THE APPRAISED VALUE AMOUNT OF \$4,372.00. E) 7401 EUCLID AVENUE IN CLEVELAND, OHIO FROM MASJID BILAL, INC., AN OHIO NOT FOR PROFIT CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-10-025, FOR ECTP PARCEL NUMBER 202, FOR THE APPRAISED VALUE AMOUNT OF \$3,094.00, FOR A TOTAL AMOUNT OF \$11,586.00 (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 – Bid Package C-03; and

WHEREAS, it is necessary and proper for the Authority to acquire real property interests at: a) 3250 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 103-07-016, for ECTP Parcel Number 129, from owner Building Laborers Local Union #310 for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. b) 3608 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 103-07-010, for ECTP Parcel Number 136, from owner Hatton Family Partnership, for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. c) 3738-3740 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 103-08-012 and 103-08-013, for ECTP Parcel Number 141, from owner Patricia A. Heben, for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith. d) 4000 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 103-09-011, for ECTP Parcel Number 144, from owner Level 3 Communications, LLC. e) 7401 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 118-10-025, for ECTP Parcel Number 202, from owner Masjid Bilal, Inc., an Ohio Not for Profit 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 \$11,586.00, 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) 3250 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Building Laborers Local Union #310 is both necessary and proper, and will further the objectives of the Authority. b) 3608 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Hatton Family Partnership, is both necessary and proper, and will further the objectives of the Authority. c) 3738-3740 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Patricia A. Heben, is both necessary and proper, and will further the objectives of the Authority. d) 4000 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Level 3 Communications, LLC, is both necessary and proper, and will further the objectives of the Authority. e). 7401 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Masjid Bilal, Inc., an Ohio Not for Profit 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 – Bid Package C-03, it is necessary and proper to acquire interests in the lands located at: a) 3250 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 103-07-016, for ECTP Parcel Number 129, as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Building Laborers Local Union #310 which is incorporated herein by reference. b) 3608 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 103-07-010, for ECTP Parcel Number 136, as set forth on the attached drawing labeled Attachment B depicting the parcel owned by Hatton Family Partnership, which is incorporated herein by reference. c) 3738-3740 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 103-08-012 and 103-08-013, for ECTP Parcel Number 141, as set forth on the attached drawing labeled Attachment C depicting the parcel owned by Patricia A. Heben, which is incorporated herein by reference. d) 4000 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 103-09-011, for ECTP Parcel Number 144, as set forth on the attached drawing labeled Attachment D depicting the parcel owned by Level 3 Communications, LLC. e) 7401 Euclid Avenue, Cleveland Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 118-10-025, for ECTP Parcel Number 202, as set forth on the attached drawing labeled Attachment E depicting the parcel owned by Masjid Bilal, Inc., an Ohio Not for Profit Corporation, which is incorporated herein by reference. Parcels (a) through (e) above shall hereinafter be referred to as the "Property."

Section 3. That the value of the interests in the Property is \$11,586.00. 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 – Bid Package C-03.

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.

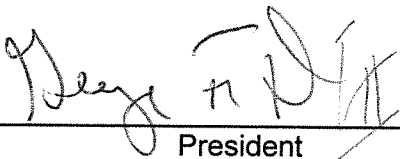
Section 7. That the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$7,241.25 and Capital Grant OH-90-X484-01 in the amount of \$4,344.75 for a total amount of \$11,586.00 (\$9,268.80 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 – E)
Property interest spreadsheet (Exhibit 1)

Adopted: June 21, 2005



President

Attest: 

CEO, General Manager/Secretary -Treasurer

RX250
Rev. 04/03

PID	129T
PARCEL	GCRTA-PROJ.38-CO5
CTY-RTE-SEC	
Version Date	June 15, 2004

**PARCEL 129-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 64 and part of Sublot No. 11 in J.H. Webster Assignee's Subdivision as shown on the plat recorded in Volume 13, Page 4 of the Cuyahoga County Plat Records, also being a part of the lands conveyed to Building Laborers Local Union No. 310 by Volume 12764, Page 303 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 northeasterly corner of the grantor and on the southerly right of way of Euclid Avenue at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 177+95.47;

- 1) Thence leaving said right of way, South 09° 07' 31" East along the westerly line of lands conveyed to Euclid Cleveland I, LLC. by Instrument No. 200210010971 on file in the Cuyahoga County Recorder's Office, 5.18 feet to a point 54.68 feet right of centerline of right of way and construction of Euclid Avenue Station 177+95.48;
- 2) Thence leaving said line, South 80° 58' 29" West, 151.07 feet to a point 54.68 feet right of centerline of right of way and construction of Euclid Avenue Station 176+44.40;
- 3) Thence North 08° 05' 47" West, 5.18 feet to a point 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 176+44.49;
- 4) Thence North 80° 58' 29" East, along said southerly right of way line of Euclid Avenue, 150.98 feet to the point of beginning.

Containing within said bounds 0.0180 acre of land in Parcel 103-07-016

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.

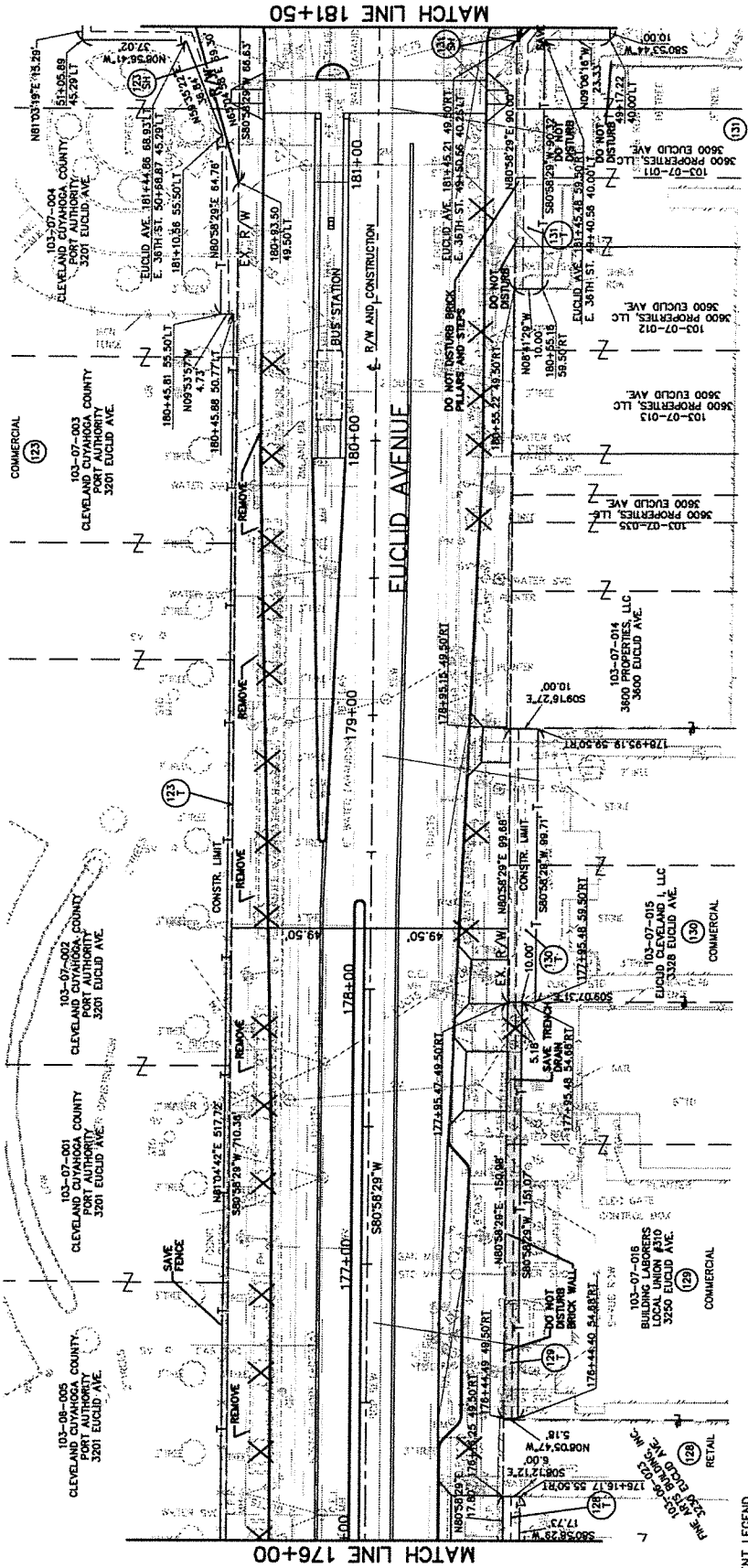
Date:

6/15/04

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



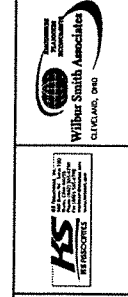
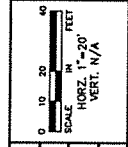
EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO



- MONUMENT LEGEND**
- BLACK IRON PIN SET
 - CIRC. DRILL HOLE FOUND
 - CIRC. IRON PIN FOUND
 - CIRC. IRON PIPE FOUND
 - CIRC. MAG. NAIL FOUND
 - CIRC. PK. NAIL FOUND
 - CIRC. RAILROAD SPIKE FOUND
 - CIRC. EXISTING MONUMENT
 - PROPOSED MONUMENT

NOTE: THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 07/29/04.

REVISION BLOCK	
NO. 1	6/26/04 FILE
NO. 2	3/7/00-3/21/99
NO. 3	DRAWN BY: [blank]
NO. 4	DESIGN BY: [blank]
NO. 5	CREATED BY: [blank]
NO. 6	DWG. NAME: [blank]
NO. 7	DATE: 07/29/04



ROW PLAN
EUCLID AVENUE
STA. 176+00 TO STA. 181+50
BID PACKAGE 38 - C03

SHEET NO. **RW123**
RW162
TOTAL SHEETS 24 OF 41

NOTE: THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS AND RECORD 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.

**PARCEL 136-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, and State of Ohio and being known part of Sublot No. 3 in J.H. Webster's Subdivision as shown on the plat recorded in Volume 13, Page 4 of the Cuyahoga County Plat Records, being also a part of the land conveyed to Hatton Family Partnership by Instrument No. 199908200504 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 intersection of the southerly right of way of Euclid Avenue and the easterly right of way of East 36th Street at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 182+15.47 and 30.00 feet right of centerline of right of way and construction of East 36th Street Station 49+50.46;

- 1) Thence North 80° 58' 29" East along said southerly right of way, 2.87 feet to a point at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 182+18.33 and 32.87 feet right of centerline of right of way and construction of East 36th Street Station 49+50.45;
- 2) Thence leaving said right of way South 09° 11' 12" East, 13.09 feet to a point at 62.59 feet right of centerline of right of way and construction of Euclid Avenue Station 182+18.37 and 32.89 feet right of centerline of right of way and construction of East 36th Street Station 49+37.37;
- 3) Thence South 03° 23' 38" East, 29.01 feet to a point on the easterly right of way of East 36th Street at 91.42 feet right of centerline of right of way and construction of Euclid Avenue Station 182+15.52 and 30.00 feet right of centerline of right of way and construction of East 36th Street Station 49+08.50;
- 4) Thence North 09° 06' 16" West along said right of way, 41.95 feet to the point of beginning.

Containing within said bounds 0.0018 acres of land in Parcel 103-07-010.

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 36th 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, P.S. 7289



RX250
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

136T
GCRTA-PROJ.38-CO5
November 3, 2004

**PARCEL 136-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 being known as a part of Original 10 Acre Lot No. 66 and part of Sublot No. 3 in J.H. Webster's Subdivision as shown on the plat recorded in Volume 13, Page 4 of the Cuyahoga County Plat Records, being also a part of the land conveyed to Hatton Family Partnership by Instrument No. 199908200504 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 a point on the easterly right of way of East 36th Street at 91.42 feet right of centerline of right of way and construction of Euclid Avenue Station 182+15.52 and 30.00 feet right of centerline of right of way and construction of East 36th Street Station 49+08.50, which point is 41.95 feet distant southerly from the southerly right of way of Euclid Avenue;

- 1) Thence leaving said right of way North 03° 23' 38" West 29.01 feet to a point 62.59 feet right of centerline of right of way and construction of Euclid Avenue Station 182+18.37 and 32.89 feet right of centerline of right of way and construction of East 36th Street Station 49+37.37;
- 2) Thence South 09° 11' 12" East, 70.30 feet to a point 132.88 feet right of centerline of right of way and construction of Euclid Avenue Station 182+18.57 and 32.99 feet right of centerline of right of way and construction of East 36th Street Station 48+67.07;
- 3) Thence South 16° 49' 23" West, 6.83 feet to a point on the easterly right of way of East 36th Street at 139.03 feet right of centerline of right of way and construction of Euclid Avenue Station 182+15.59 and 30.00 feet right of centerline of right of way and construction of East 36th Street Station 48+60.93;
- 4) Thence North 09° 06' 16" West along said right of way 47.58 to the point of beginning.

Containing within said bounds 0.0040 acres of land in Parcel 103-07-010.

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

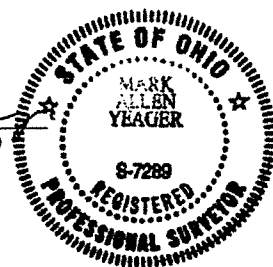
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and the centerline of right of way and construction of East 36th Street.

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

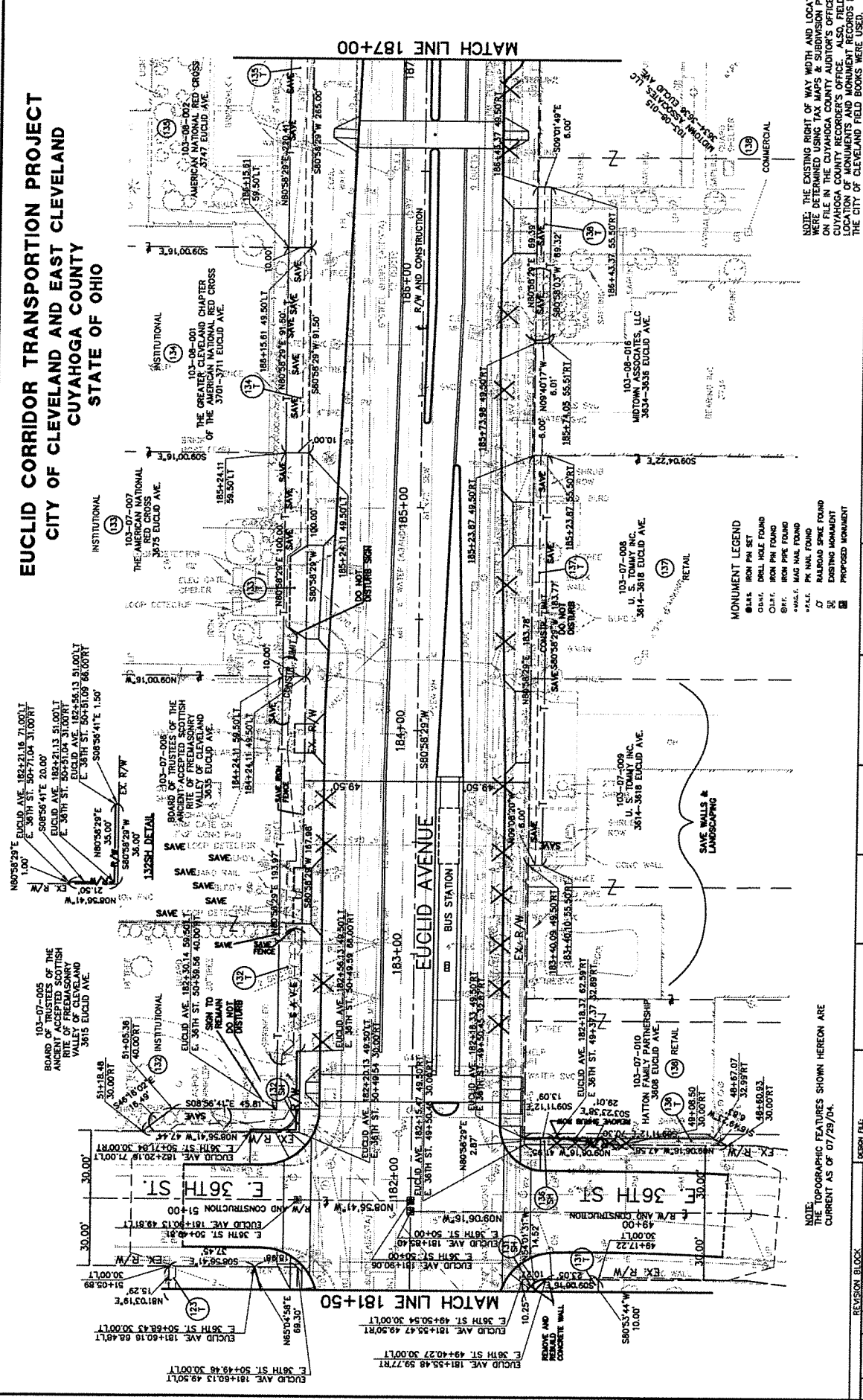
Date:

11/3/04

Mark A. Yeager, P.S. 7289



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



- MONUMENT LEGEND**
- IRON PIN SET
 - CONG. DRILL HOLE FOUND
 - C.I.P. IRON PIN FOUND
 - S.P.E. IRON PIPE FOUND
 - W.A.L.E. MAG NAIL FOUND
 - W.A.L.E. PK NAIL FOUND
 - RAILROAD SPIKE FOUND
 - EXISTING MONUMENT
 - PROPOSED MONUMENT

NOTE: THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 07/29/04.

<p>ROW PLAN EUCLID AVENUE STA. 181+50 TO STA. 187+00 BID PACKAGE 38 - C03</p>					
<p>SHEET NO. RW124 TOTAL SHEETS 25 OF 44</p>					

REVISION BLOCK	DESIGN FILE	DRAWN BY	CHECKED BY
	371000-372199	RGH/TWJ	MAY/DJR
		DWG. NAME	DATE
			8/2/03

NOTE: THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION PLATS CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY ENGINEER'S OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT LOCATIONS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

**PARCEL 141-T
GCRTA-PROJ.38-COS
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 being known as a part of Original 10 Acre Lot No. 67 and being a part of Sublot No. 2 in J. Mueller and W. Meyer's Subdivision as shown on the plat recorded in Volume 2, Page 53 of the Cuyahoga County Plat Records, being also a part of land conveyed to Patricia A. Heben by Instrument No. 200104060909 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 northeasterly corner of the grantor and on the southerly right of way of Euclid Avenue at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 189+36.88;

- 1) Thence leaving said right of way South 08° 32' 06" East along the westerly line of lands conveyed to Kohn Family Limited Partnership by Volume 97-09658 Page 13 on file in the Cuyahoga County Recorder's Office 6.00 feet to a point 55.50 right of centerline of right of way and construction of Euclid Avenue Station 189+36.82;
- 2) Thence leaving said line South 80° 58' 29" West, 150.28 feet to a point on the easterly line of lands conveyed to Midtown Associates, LLC by Volume 98-09712 Page 21 on file in the Cuyahoga County Recorder's Office at 55.50 right of centerline of right of way and construction of Euclid Avenue Station 187+86.54;
- 3) Thence North 09° 05' 32" West along said line 6.00 feet to a point on the southerly right of way line of Euclid Avenue at 49.50 right of centerline of right of way and construction of Euclid Avenue Station 187+86.53;
- 4) Thence North 80° 58' 29" East along said right of way 150.34 feet to the point of beginning.

Containing within said bounds 0.0207 acres of land of which 0.0097 acres lie in Parcel 103-08-013 and 0.0110 acres lie in Parcel 103-08-012.

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.

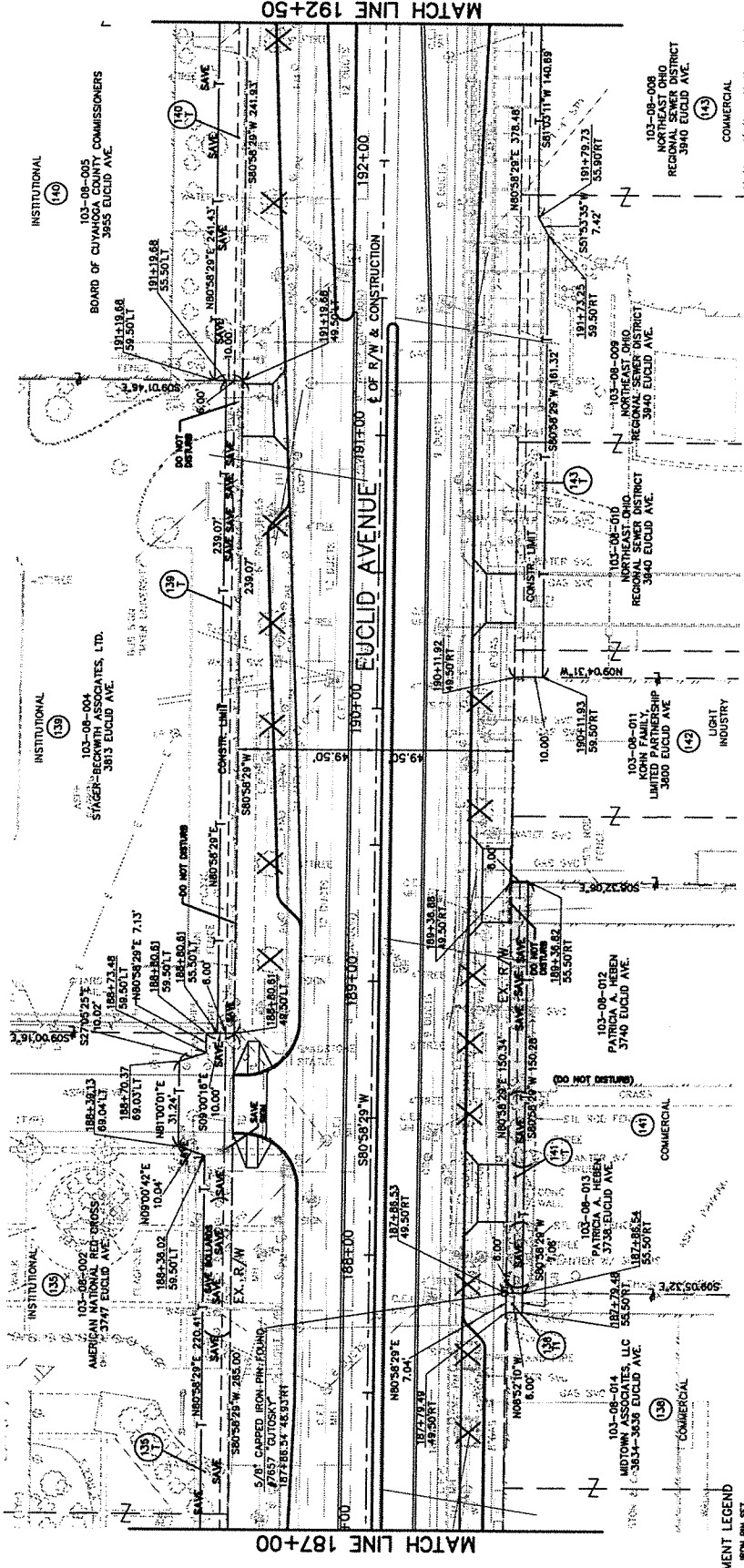
Date:

6/15/04

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



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



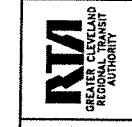
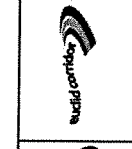
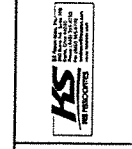
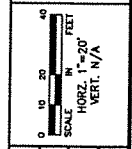
MATCH LINE 192+50

MATCH LINE 187+00

- MONUMENT LEGEND**
- IRON PIN SET
 - DRILL HOLE FOUND
 - IRON PIN FOUND
 - IRON PIPE FOUND
 - MAG. HOLE FOUND
 - PK. NAIL FOUND
 - RAILROAD SPIKE FOUND
 - EXISTING MONUMENT
 - PROPOSED MONUMENT

NOTE: THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 07/29/04.

REVISION BLOCK	
1	DESIGN FILE: 371600-372199
2	DRAWN BY: RCP/TMU
3	CHECKED BY: MAY/DLR
4	DATE: 5/23/05
5	PROJECT NO: 371600-372199
6	DATE: 5/23/05
7	SCALE: 1"=20'



ROW PLAN
EUCLID AVENUE
STA. 187+00 TO STA. 192+50
BID PACKAGE 38 - C03

SHEET NO.
RW125
TOTAL SHEETS
28 OF 44

NOTE: THE EXISTING RIGHT OF WAY WIDTH AND LOCATION OF MONUMENTS & SUBDIVISION PLATS ON FILE IN THE CUYAHOGA COUNTY OFFICE AND CUYAHOGA COUNTY RECORDER'S OFFICE, ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

**PARCEL 144-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 95, also a part of the lands conveyed to Level 3 Communications LLC by Instrument No. 199908260969 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 40th Street at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+24.62 and 49.50 feet right of centerline of right of way and construction of East 40th Street Station 50+49.00;

- 1) Thence North 09° 36' 15" West along the easterly right of way of East 40th Street, 5.00 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+24.56 and 49.50 feet right of centerline of right of way and construction of East 40th Street Station 50+54.00;
- 2) Thence leaving said right of way, North 80° 58' 29" East, 13.95 feet to a point 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+38.52 and 62.56 feet right of centerline of right of way and construction of East 40th Street Station 50+53.86;
- 3) Thence North 86° 41' 08" East, 50.25 feet to a point 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 195+88.52;
- 4) Thence South 80° 58' 29" West along said right of way, 63.90 feet to the point of beginning.

Containing within said bounds 0.0045 acres of land in Parcel 103-09-011.

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

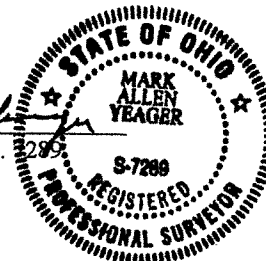
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and the centerline of right of way and construction of East 40th Street.

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, C.S. 7289



**PARCEL 144-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 95, also a part of the lands conveyed to Level 3 Communications LLC by Instrument No. 199908260969 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 196+94.37;

- 1) Thence South 80° 58' 29" West, along said right of way, 105.85 feet to a point 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+88.52;
- 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 195+38.52 and 62.56 feet right of centerline of right of way and construction of East 40th Street Station 50+53.86;
- 3) Thence South 80° 58' 29" West, 13.95 feet to a point on the easterly right of way of East 40th Street at 54.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+24.56 and 49.50 feet right of centerline of right of way and construction of East 40th Street Station 50+54.00;
- 4) Thence North 09° 36' 15" West along said right of way, 6.00 feet to a point 60.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+24.50 and 49.50 feet right of centerline of right of way and construction of East 40th Street Station 50+60.00;
- 5) Thence leaving said right of way, North 80° 58' 29" East, 14.31 feet to a point 60.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+38.82 and 63.81 feet right of centerline of right of way and construction of East 40th Street Station 50+59.86;
- 6) Thence North 86° 41' 08" East, 50.25 feet to a point 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 195+88.82;
- 7) Thence North 80° 58' 29" East, 17.40 feet to a point 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 196+06.22;
- 8) Thence North 09° 01' 31" West, 3.00 feet to a point 58.50 feet left of centerline of right of way and construction of Euclid Avenue Station 196+06.22;
- 9) Thence North 80° 58' 29" East, 38.00 feet to a point 58.50 feet left of centerline of right of way and construction of Euclid Avenue Station 196+44.22;
- 10) Thence South 09° 01' 31" East 3.00 feet to a point 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 196+44.22;

RX250
Rev. 04/03

	PID	
	PARCEL	144T
CTY-RTE-SEC		GCRTA-PROJ.38-CO5
Version Date		November 3, 2004

11) Thence North 80° 58' 29" East, 50.14 feet to a point on the westerly line of lands conveyed to Premier Investment Company, LLC by Instrument No. 200307100016 on file in the Cuyahoga County Recorder's Office at 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 196+94.36;

12) Thence South 09° 05' 57" East along said line, 6.00 feet to the point of beginning.

Containing within said bounds 0.0260 acres of land in Parcel 103-09-011.

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 40th 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 202-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, and State of Ohio and known as being part of Sublots Nos. 6 and 7 in the Spangler Heir's Subdivision of part of Original 100 Acre Lot No. 339, as shown by the recorded plat in Volume 14, Page 8 of the Cuyahoga County Plat Records, also a part of the lands conveyed to Masjid Bilal, Inc. in Volume 1745, Page 16 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 westerly right of way of East 75th Street at 60.00 feet left of centerline of right of way and construction of Euclid Avenue Station 253+89.55 and 30.00 feet left of centerline of right of way and construction of East 75th Street Station 50+62.24;

- 1) Thence North 86° 54' 25" West along the northerly right of way of Euclid Avenue, 170.94 feet to a point on the easterly line of lands conveyed to Colejon Development Company in Volume 12030, Page 30 on file in the Cuyahoga County Recorder's Office at 60.00 feet left of centerline of right of way and construction of Euclid Avenue Station 252+18.61;
- 2) Thence leaving said right of way, North 00° 56' 25" West, 10.02 feet along said line to a point 70.00 feet left of centerline of right of way and construction of Euclid Avenue Station 252+17.91;
- 3) Thence South 86° 54' 25" East, 164.93 feet to a point 70.00 feet left of centerline of right of way and construction of Euclid Avenue Station 253+82.84 and 36.00 feet left of centerline of right of way and construction of East 75th Street Station 50+72.68;
- 4) Thence North 00° 53' 56" West, 56.32 feet to a point 36.00 feet left of centerline of right of way and construction of East 75th Street Station 51+29.00;
- 5) Thence North 35° 57' 21" East, 10.00 feet to a point on the westerly right of way of East 75th Street at 30.00 feet left of centerline of right of way and construction of East 75th Street Station 51+37.00;
- 6) Thence South 00° 53' 56" East along said right of way, 74.76 feet to the point of beginning.

Containing within said bounds 0.0476 acres of land in Parcel 118-10-025.

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

RX250
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

202T
GCRTA-PROJ.38-CO3
November 19, 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 75th Street.

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

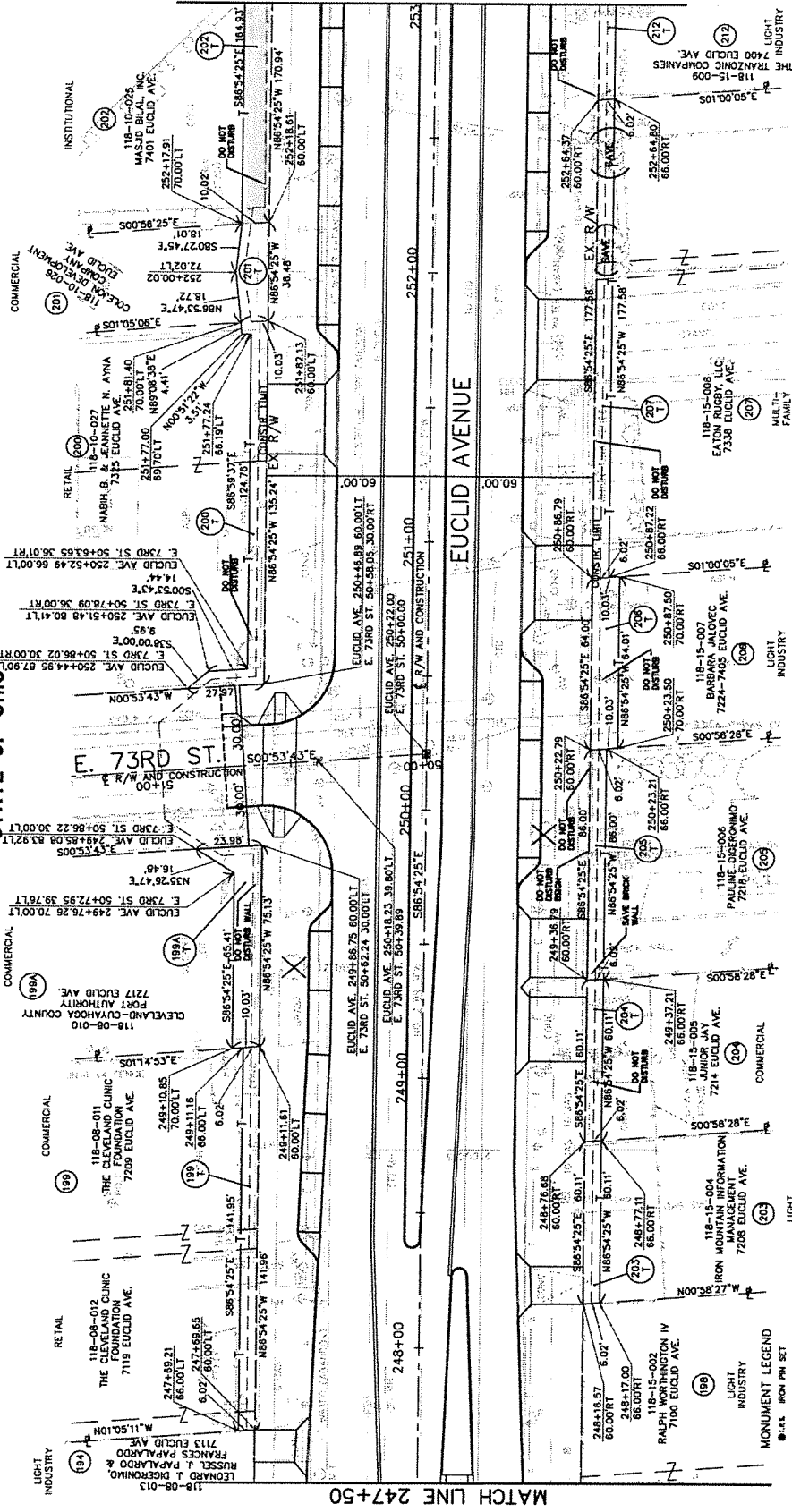
Date:

11/19/04

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



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



 Euclid Corridor	 GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	 Willbur Smith Associates CLEVELAND, OHIO	 KS SURVEYING & ENGINEERING	 NORTH	 SCALE HORIZ. 1"=20' VERT. 1"=4' 0 10 20 40 FEET	SHEET NO. RW136	TOTAL SHEETS 40 OF 44
ROW PLAN EUCLID AVENUE STA. 247+50 TO STA. 253+00 BID PACKAGE 38 - C03						RWT62	

NO.	REVISION	DATE
1	ISSUE FOR PERMITS	5/7/05
2	ISSUE FOR PERMITS	5/7/05
3	ISSUE FOR PERMITS	5/7/05
4	ISSUE FOR PERMITS	5/7/05
5	ISSUE FOR PERMITS	5/7/05
6	ISSUE FOR PERMITS	5/7/05
7	ISSUE FOR PERMITS	5/7/05

NO.	REVISION	DATE
1	ISSUE FOR PERMITS	5/7/05
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5	ISSUE FOR PERMITS	5/7/05
6	ISSUE FOR PERMITS	5/7/05
7	ISSUE FOR PERMITS	5/7/05

DESIGN FILE: 071000-52189
 DESIGN BY: RFR/TWJ
 CHECKED BY: MAY/DLR
 DATE: 5/7/05

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)
129 T	103 07 016	C-03	Building Laborers Local #310	Temporary Easement	0.0000	0.0000	0.0180
136 SH	103 07 010	C-03	Hatton Family Partnership	Permanent Easement	0.0000	0.0018	0.0000
136 T	103 07 010	C-03	Hatton Family Partnership	Temporary Easement	0.0000	0.0000	0.0040
141 T	103 08 012 103 08 013	C-03	Patricia A. Heben	Temporary Easement	0.0000	0.0000	0.0207
144 SH	103 09 011	C-03	Level 3 Communications, LLC	Permanent Easement	0.0000	0.0045	0.0000
144 T	103 09 011	C-03	Level 3 Communications, LLC	Temporary Easement	0.0000	0.0000	0.0260
202 T	118 10 025	C-03	Masjid Bilal, Inc.	Temporary Easement	0.0000	0.0000	0.0476




<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) 3250 EUCLID AVENUE IN CLEVELAND, OHIO, FROM BUILDING LABORERS LOCAL UNION #310, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-07-016, FOR ECTP PARCEL NUMBER 129, FOR THE APPRAISED VALUE AMOUNT OF \$1,385.00. B) 3608 EUCLID AVENUE IN CLEVELAND, OHIO FROM HATTON FAMILY PARTNERSHIP, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-07-010, FOR ECTP PARCEL NUMBER 136, FOR THE APPRAISED VALUE AMOUNT OF \$1,286.00. C) 3738-3740 EUCLID AVENUE IN CLEVELAND, OHIO FROM PATRICIA A. HEBEN, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-08-012 AND 103-08-013 FOR ECTP PARCEL NUMBER 141, FOR THE APPRAISED VALUE AMOUNT OF \$1,449.00. D) 4000 EUCLID AVENUE IN CLEVELAND, OHIO FROM LEVEL 3 COMMUNICATIONS, LLC, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 103-09-011, FOR ECTP PARCEL NUMBER 144, FOR THE APPRAISED VALUE AMOUNT OF \$4,372.00. E) 7401 EUCLID AVENUE IN CLEVELAND, OHIO FROM MASJID BILAL, INC., AN OHIO NOT FOR PROFIT CORPORATION, BEARING CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-10-025, FOR ECTP PARCEL NUMBER 202, FOR THE APPRAISED VALUE AMOUNT OF \$3,094.00, FOR A TOTAL AMOUNT OF \$11,586.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).</p>	<p>Resolution No.: 2005-79</p>
	<p>Date: June 16, 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 –Bid Package C-03.
- 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 \$7,241.25, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$4,344.75, line item 13.75.91 for a total amount of \$11,586.00 (\$9,268.80 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 these acquisitions. 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 June 7, 2005 meeting. Further negotiations since June 7, 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