

RESOLUTION NO. 2005- 92

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A PURCHASE AGREEMENT TO ACQUIRE CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-06-019 IN FEE SIMPLE AND TO ACQUIRE A TEMPORARY EASEMENT ON A PORTION OF CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-06-067, WHICH ARE LOCATED AT 6809 EUCLID AVENUE IN CLEVELAND, OHIO, FOR \$140,000.00 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT, PARCEL 187 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET.)

WHEREAS, the Greater Cleveland Regional Transit Authority requires property acquisition for roadway purposes and to better improve public transportation in Cleveland; and

WHEREAS, The Carmen Digeronimo Limited Partnership, an Ohio Limited Partnership is the owner of Parcel 187 identified above and wishes to sell this property to the Greater Cleveland Regional Transit Authority; and

WHEREAS, the Greater Cleveland Regional Transit Authority plans to construct the Euclid Corridor Transportation Project on a portion of this site; and

WHEREAS, the Greater Cleveland Regional Transit Authority wishes to enter into a Purchase Agreement for Parcel 187 with The Carmen Digeronimo Limited Partnership, an Ohio Limited Partnership in the amount of One Hundred and Forty Thousand and 00/100 Dollars (\$140,000.00).

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

Section 1. That the General Manager/Secretary-Treasurer is hereby authorized to execute a Purchase Agreement for this property and all other documents required to acquire and transfer this real estate.

Section 2. That the Total Purchase Price of \$140,000.00 is based upon the fair market value of the property as determined by the property appraisal reports, as approved by a Review Appraiser, and is within the settlement authority approved by the Federal Transit Administration.

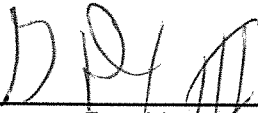
Section 3. That the Purchase Price is payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$87,500.00 and Capital Grant OH-90-X484-01 in the amount of \$52,500.00 for a total amount of \$140,000.00 (\$112,000.00 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 4. That the execution of a purchase agreement and acquisition of the property is necessary to carry out the Euclid Corridor Transportation Project.

Section 5. That this resolution shall become effective immediately upon its adoption.

Attachment: map and legal description

Adopted: July 19, 2005

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer

**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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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.

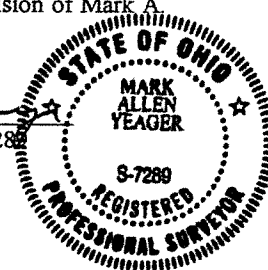
Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

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 69<sup>th</sup> 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



RX250  
Rev. 04/03

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

187WD  
GCRTA-PROJ.38-CO5  
June 15, 2004

**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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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 69<sup>th</sup> 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.

RX250  
Rev. 04/03

GCRTA

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|              |                   |
|--------------|-------------------|
| PID          | 187WD             |
| PARCEL       | GCRTA-PROJ.38-COS |
| 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 69<sup>th</sup> 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







Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

J-7

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|--|---|
| <b>TITLE/DESCRIPTION:</b><br>AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A PURCHASE AGREEMENT TO ACQUIRE CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-06-019 IN FEE SIMPLE AND TO ACQUIRE A TEMPORARY EASEMENT ON A PORTION OF CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBER 118-06-067, WHICH ARE LOCATED AT 6809 EUCLID AVENUE IN CLEVELAND, OHIO, FOR \$140,000.00 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT, PARCEL 187 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET.) | <b>Resolution No.:</b><br>2005-92                           |
|  | <b>Date:</b><br>July 14, 2005                               |
|  | <b>Initiator:</b><br>Euclid Corridor Transportation Project |
| <b>ACTION REQUEST:</b><br><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____  |   |

- 1.0 **PURPOSE/SCOPE:** The purpose of entering into this Purchase Agreement is to provide a legal right to acquire and transfer this property 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. This site 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. Construction is anticipated to commence in September 2005.
- 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 must approve all fee simple acquisitions. It also complies with the ECTP Real Estate Acquisition Policy Manual (RAMP) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- 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 \$87,500.00, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$52,500.00, line item 13.75.91 for a total amount of \$140,000.00 (\$112,000.00 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 purchase price is based upon the fair market value of the property as determined by the property appraisal report. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report. The Federal Transit Administration approved the Greater Cleveland Regional Transit Authority's settlement authority, within which the purchase price falls.
- 7.0 **ALTERNATIVES:** There are no viable alternatives to purchasing this property. The right of way needs for the project require the acquisition of this property.

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- 8.0 RECOMMENDATION: This property acquisition was reviewed by the Board of Trustees Euclid Corridor Ad Hoc Committee at their July 5, 2005 meeting. The terms of this purchase have changed since the July 5, 2005 meeting. This will be explained in a staff memo to the Board that will be submitted to the Board of Trustees with the distribution packet. Staff recommends that the Board of Trustees approve the resolution to authorize the purchase of property.
- 9.0 ATTACHMENT: Purchase Agreement

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



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CEO, General Manager/Secretary-Treasurer