

RESOLUTION NO. 2005 - 109

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 HEREINAFTER- DESCRIBED PARCEL FOR A TOTAL AMOUNT OF \$24,785.00 (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 6700-6710 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 118-13-008 and 118-13-009 for ECTP Parcel Number 185, from owner Richard B. Cohen, married, for the appraisal value amount of \$24,785.00 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 \$24,785.00, 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 6700-6710 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Richard B. Cohen, married, 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 6700-6710 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 118-13-008 and 118-13-009, for ECTP Parcel Number 185, as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Richard B. Cohen, married, which is incorporated herein by reference. This parcel shall hereinafter be referred to as the "Property."

Section 3. That the value of the interests in the Property is \$24,785.00. 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.

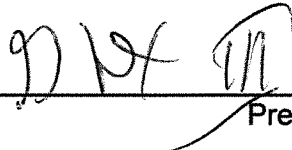
Section 7. That the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$15,490.63 and Capital Grant OH-90-X484-01 in the amount of \$9,294.38 for a total amount of \$24,785.00 (\$19,828.00 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 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: Map and legal description (Attachment A)  
Property interest spreadsheet (Exhibit 1)

Adopted: August 23, 2005

  
\_\_\_\_\_  
President

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

**EXHIBIT A**

RX 270  
Rev. 04/03

PID  
PARCEL 185SH  
CTY-RTE-SEC GCRTA-PROJ. 38-CO3  
Version Date November 18, 2004

**PARCEL 185-SH  
GCRTA-PROJ. 38-CO3  
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 100 Acre Lot 338, also a part of the lands conveyed to Richard B. Cohen by Volume 97-03061, Page 23 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;

**Commencing** at the intersection of the centerline of right of way and construction of East 66<sup>th</sup> Street and the centerline of right of way and construction of Euclid Avenue at Euclid Avenue Station 232+20.81 and East 66<sup>th</sup> Street Station 50+00.00, thence South 86° 55' 22" East along the centerline of right of way and construction of Euclid Avenue, 243.67 feet to a point, thence leaving said centerline, South 03° 04' 38" West, 40.00 feet to a point on the southerly right of way of Euclid Avenue and the **True Point of Beginning** for the parcel herein described; said point being the northwesterly corner of the grantor at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 234+64.48;

- 1) Thence South 86° 55' 22" East along said right of way, 264.67 feet to a point 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 237+29.15;
- 2) Thence leaving said right of way, South 00° 58' 35" East along the westerly line of lands conveyed to 6820 Euclid, Ltd. by Volume 96-97094, Page 2 on file in the Cuyahoga County Recorder's Office, 10.03 feet to a point 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 237+29.86;
- 3) Thence leaving said line, North 86° 55' 22" West, 264.66 feet to a point on the easterly line of lands conveyed to 6620 Euclid Avenue, Ltd. by Instrument No. 200111130628 on file in the Cuyahoga County Recorder's Office at 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 234+65.20;
- 4) Thence North 01° 01' 22" West along said line, 10.03 feet to the point of beginning.

Containing within said bounds 0.0608 acres of land, of which 0.0152 acres of land lies in Parcel 118-13-008 and 0.0456 acres in Parcel 118-13-009.

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 66<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:

11/18/04

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



**PARCEL 185-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 100 Acre Lot 338, also a part of the lands conveyed to Richard B. Cohen by Volume 97-03061, Page 23 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 westerly line of the grantor at 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 234+65.20;

- 1) Thence South 86° 55' 22" East, 264.66 feet to a point on the westerly line of lands conveyed to 6820 Euclid, Ltd. by Volume 96-97094, Page 2 on file in the Cuyahoga County Recorder's Office at 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 237+29.86;
- 2) Thence South 00° 58' 35" East along said line, 16.12 feet to a point 66.08 feet right of centerline of right of way and construction of Euclid Avenue Station 237+31.00;
- 3) Thence leaving said line, North 86° 59' 24" West, 198.48 feet to a point 66.31 feet right of centerline of right of way and construction of Euclid Avenue Station 235+32.52;
- 4) Thence South 00° 58' 35" East, 23.75 feet to a point 90.00 feet right of centerline of right of way and construction of Euclid Avenue Station 235+34.20;
- 5) Thence South 88° 43' 47" West, 65.96 feet to a point on the easterly line of lands conveyed to 6620 Euclid Avenue, Ltd. by Instrument No. 200111130628 on file in the Cuyahoga County Recorder's Office at 95.00 feet right of centerline of right of way and construction of Euclid Avenue Station 234+68.43;
- 6) Thence North 01° 01' 22" West along said line, 45.12 feet to the point of beginning.

Containing within said bounds 0.1383 acres of land, of which 0.0645 acres of land lies in Parcel 118-13-008 and 0.0738 acres lies in 118-13-009.

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

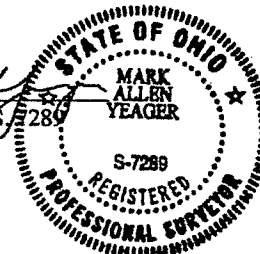
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

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

Date:

11/3/04

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





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)
185T	118-13-008 118-13-009	C-03	Richard B. Cohen, married	Temporary Easement	0.0608	0.0000	0.0000
185SH	118-13-008 118-13-009	C-03	Richard B. Cohen, married	Permanent Easement	0.0588	0.0000	0.0000



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

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 HEREINAFTER- DESCRIBED PARCEL FOR A TOTAL AMOUNT OF \$24,785.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	Resolution No.: 2005- 109
	Date: August 18, 2005
	Initiator: Euclid Corridor Transportation Project

ACTION REQUEST:

Approval  
  Review/Comment  
  Information Only  
  Other \_\_\_\_\_

- 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-O3.
- 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 September 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 \$15,490.63, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$9,294.38, line item 13.75.91 for a total amount of \$24,785.00 (\$19,828.00 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 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 August 16, 2005 meeting. Further negotiations since August 16, 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.



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CEO, General Manager/Secretary-Treasurer