

RESOLUTION NO. 2005 - 133

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 \$118,318.00 (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.) 6401 Midtown Commerce Park in Cleveland, Ohio, bearing permanent parcel numbers 118-11-012, 118-11-013, 118-11-014, 118-12-001, 118-12-002, 118-12-003, 118-12-004, 118-12-005, 118-12-006 and 118-12-007 for ECTP Parcel Number 172, from owner Royal Ice Cream Company, an Ohio Corporation, for the appraised value amount of \$92,787.00, b.) 6510 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 118-12-008 for ECTP Parcel Number 176, from owner RBR Properties, LTD, an Ohio Limited Liability Company, for the appraised value amount of \$19,766.00, c.) Vacated East 66<sup>th</sup> Street in Cleveland, Ohio, bearing permanent parcel number 118-13-004 for ECTP Parcel Number 182, from Iowa Realty, Inc. for the appraised value amount of \$5,765.00 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 \$118,318.00, 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 fully incorporated herein by reference, in the following properties: a.) 6401 Midtown Commerce Park in Cleveland, Ohio and that the taking of the property owned by Royal Ice Cream Company, an Ohio Corporation, is both necessary and proper, and will further the objectives of the Authority, b.) 6510 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by RBR Properties, LTD, an Ohio Limited Liability Company, is both necessary and proper, and will further the objectives of the Authority, c.) Vacated East 66<sup>th</sup> Street in

Cleveland, Ohio and that the taking of the property owned by Iowa Realty, Inc., 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.) 6401 Midtown Commerce Park in Cleveland, Ohio, bearing permanent parcel numbers 118-11-012, 118-11-013, 118-11-014, 118-12-001, 118-12-002, 118-12-003, 118-12-004, 118-12-005, 118-12-006 and 118-12-007 for ECTP Parcel Number 172, as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Royal Ice Cream Company, an Ohio Corporation, which is fully incorporated herein by reference, b.) 6510 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 118-12-008 for ECTP Parcel Number 176, as set forth on the attached drawing labeled Attachment B depicting the parcel owned by RBR Properties, LTD, an Ohio Limited Liability Company, which is fully incorporated herein by reference, c.) Vacated East 66<sup>th</sup> Street in Cleveland, Ohio, bearing permanent parcel number 118-13-004 for ECTP Parcel Number 182, as set forth on the attached drawing labeled Attachment C depicting the parcel owned by Iowa Realty, Inc., which is fully incorporated herein by reference. Parcels (a) through (c) above shall hereinafter be referred to as the "Property."

Section 3. That the value of the interests in the Property is \$118,318.00. 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.

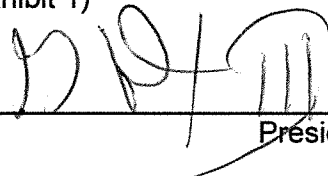
Section 7. That the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$73,948.75 and Capital Grant OH-90-X484-01 in the amount of \$44,369.25 for a total amount of \$118,318.00 (\$94,654.40 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-C)  
Property interest spreadsheet (Exhibit 1)

Adopted: September 20, 2005

  
\_\_\_\_\_  
President

Attest:

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

**PARCEL 172-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, and State of Ohio and being known as a part of Original 100 Acre Lot No. 337, being also a part of land conveyed to Royal Ice Cream Co. by Volume 93-11939 Page 8 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 of Euclid Avenue, bounded and described as follows;

**Beginning** at northeasterly corner of the grantor and on the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way of Euclid Avenue Station 227+56.82;

- 1) Thence leaving said right of way South 01° 19' 39" East along the westerly line of lands conveyed to RBR Properties, LTD. by Instrument No. 200001110181 on file in the Cuyahoga County Recorder's Office, 20.69 feet to a point 60.63 feet right of centerline of right of way of Euclid Avenue Station 227+58.33;
- 2) Thence leaving said line North 88° 36' 47" West, 11.53 feet to a point 60.93 feet right of centerline of right of way of Euclid Avenue Station 227+46.80;
- 3) Thence North 60° 09' 57" West, 32.90 feet to a point 46.00 feet right of centerline of right of way of Euclid Avenue Station 227+17.48;
- 4) Thence North 88° 03' 00" West, 252.48 feet to a point 49.98 feet right of centerline of right of way of Euclid Avenue Station 224+65.04;
- 5) Thence North 89° 53' 46" West, 361.82 feet to a point 58.05 feet right of centerline of right of way of Euclid Avenue Station 220+95.52;
- 6) Thence South 86° 22' 46" West, 147.87 feet to a point 55.66 feet right of centerline of right of way of Euclid Avenue Station 219+47.67;
- 7) Thence South 72° 49' 59" West, 21.35 feet to a point 60.32 feet right of centerline of right of way of Euclid Avenue Station 219+26.84;
- 8) Thence South 86° 22' 46" West, 31.25 feet to a point on the easterly line of lands conveyed to Lassi Enterprises, LLC by Instrument No. 20020108121 on file in the Cuyahoga County Recorder's Office at 59.81 feet right of centerline of right of way of Euclid Avenue Station 218+95.60;
- 9) Thence North 01° 08' 18" West along said line, 19.85 feet to the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way of Euclid Avenue Station 218+96.78;
- 10) Thence North 85° 27' 07" East along said right of way, 272.04 feet to a point 40.00 feet right of centerline of right of way of Euclid Avenue Station 221+68.82;

**EXHIBIT A**

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Version Date May 11, 2005

11) Thence continuing along said right of way South 87° 08' 46" East, 582.83 feet to the point of beginning.

Containing within said bounds 0.2884 acres of land in Parcels 118-11-012, 118-11-013, 118-11-014, 118-12-001, 118-12-002, 118-12-003, 118-12-004, 118-12-005, 118-12-006 and 118-12-007.

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 of Euclid Avenue.

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

Date:

5/11/05

Mark A. Yeager  
Mark A. Yeager P/S. 7289



**EXHIBIT A**

RX 270  
Rev. 04/03

PID  
PARCEL 172SH1  
CTY-RTE-SEC GCRTA-PROJ. 38-CO3  
Version Date April 14, 2005

**PARCEL 172-SH1  
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, and State of Ohio and being known as a part of Original 100 Acre Lot No. 338, being also a part of lands conveyed to Royal Ice Cream Co. by Volume 86-4569, Page 5 and by Volume 14248, Page 595 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 northeasterly corner of the grantor and on the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 230+63.85;

- 1) Thence leaving said right of way South 00° 58' 35" East along the westerly line of land conveyed to Woodland East 39<sup>th</sup> Street Corp. by Instrument No. 200104271014 on file in the Cuyahoga County Recorder's Office, 6.84 feet to a point 46.83 feet right of centerline of right of way and construction of Euclid Avenue Station 230+64.31;
- 2) Thence leaving said line North 84° 47' 43" West, 102.15 feet to a point at 42.64 feet right of centerline of right of way and construction of Euclid Avenue Station 229+62.25;
- 3) Thence North 01° 25' 07" West along the easterly line of land conveyed to RBR Properties, Ltd. by Instrument No. 200001110181 on file in the Cuyahoga County Recorder's Office, 2.64 feet to the grantor's northwesterly corner and to the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 229+62.05
- 4) Thence South 87° 08' 46" East along said right of way, 101.80 feet to the point of beginning.

Containing within said bounds 0.0111 acres of land, of which 0.0042 acres lie in Parcel 118-13-002 and 0.0069 acres lie in Parcel 118-13-003.

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:

4/15/05

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



**EXHIBIT A**

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Rev. 04/03

PID	172T
PARCEL	
CTY-RTE-SEC	GCRTA-PROJ.38-CO3
Version Date	May 11, 2005

**PARCEL 172-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 being known as a part of Original 100 Acre Lot No. 337, being also a part of land conveyed to Royal Ice Cream Co. by Volume 93-11939 Page 8 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 of Euclid Avenue, bounded and described as follows;

**Beginning** at a southeasterly corner of lands conveyed to Lassi Enterprises, LLC by Instrument No. 20020108121 on file in the Cuyahoga County Recorder's Office at 286.65 feet right of centerline of right of way of Euclid Avenue Station 218+82.08;

- 1) Thence North 01° 08' 18" West along the easterly line of said lands conveyed to Lassi Enterprises, LLC, 227.24 feet to a point 59.81 feet right of centerline of right of way of Euclid Avenue Station 218+95.60;
- 2) Thence North 86° 22' 46" East, 31.25 feet to a point 60.32 feet right of centerline of right of way of Euclid Avenue Station 219+26.84;
- 3) Thence North 72° 49' 59" East, 21.35 feet to a point 55.66 feet right of centerline of right of way of Euclid Avenue Station 219+47.67;
- 4) Thence North 86° 22' 46" East, 147.87 feet to a point 58.05 feet right of centerline of right of way of Euclid Avenue Station 220+95.52;
- 5) Thence South 89° 53' 46" East, 361.82 feet to a point 49.98 feet right of centerline of right of way of Euclid Avenue Station 224+65.04;
- 6) Thence South 88° 03' 00" East, 252.48 feet to a point 46.00 feet right of centerline of right of way of Euclid Avenue Station 227+17.48;
- 7) Thence South 60° 09' 57" East, 32.90 feet to a point 60.93 feet right of centerline of right of way of Euclid Avenue Station 227+46.80;
- 8) Thence South 88° 36' 47" East, 11.53 feet to a point on the westerly line of lands conveyed to RBR Properties, LTD. by Instrument No. 200001110181 on file in the Cuyahoga County Recorder's Office at 60.63 feet right of centerline of right of way of Euclid Avenue Station 227+58.33;
- 9) Thence South 01° 19' 39" East along said line, 19.89 feet to a point 80.47 feet right of centerline of right of way of Euclid Avenue Station 227+59.78;
- 10) Thence leaving said line North 76° 00' 27" West, 2.82 feet to a point 79.92 feet right of centerline of right of way of Euclid Avenue Station 227+57.02;
- 11) Thence North 57° 26' 18" West, 48.19 feet to a point 56.04 feet right of centerline of right of way of Euclid Avenue Station 227+15.16;
- 12) Thence North 88° 07' 24" West, 112.15 feet to a point 57.95 feet right of centerline of right of way of Euclid Avenue Station 226+03.02

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- 13) Thence South 85° 50' 23" West, 50.25 feet to a point 64.09 feet right of centerline of right of way of Euclid Avenue Station 225+53.15;
- 14) Thence South 80° 21' 05" West, 50.23 feet to a point 74.96 feet right of centerline of right of way of Euclid Avenue Station 225+04.12;
- 15) Thence North 71° 49' 08" West, 52.35 feet to a point 61.12 feet right of centerline of right of way of Euclid Avenue Station 224+53.63;
- 16) Thence North 89° 20' 20" West, 49.43 feet to a point 63.01 feet right of centerline of right of way of Euclid Avenue Station 224+04.24;
- 17) Thence South 80° 09' 39" West, 50.80 feet to a point 74.18 feet right of centerline of right of way of Euclid Avenue Station 223+54.67;
- 18) Thence North 88° 20' 40" West, 99.08 feet to a point 76.25 feet right of centerline of right of way of Euclid Avenue Station 222+55.62;
- 19) Thence South 89° 28' 33" West, 50.00 feet to a point 79.20 feet right of centerline of right of way of Euclid Avenue Station 222+05.71;
- 20) Thence South 89° 53' 54" West, 216.50 feet to a point 66.17 feet right of centerline of right of way of Euclid Avenue Station 219+79.37;
- 21) Thence South 70° 26' 22" West, 65.63 feet to a point 83.17 feet right of centerline of right of way of Euclid Avenue Station 219+15.98;
- 22) Thence South 01° 08' 18" East, 205.28 feet to a point 288.09 feet right of centerline of right of way of Euclid Avenue Station 219+03.77;
- 23) Thence South 89° 14' 17" West, 21.74 feet to the point of beginning.

Containing within said bounds 0.3994 acres of land in Parcels 118-11-012, 118-11-013, 118-11-014, 118-12-001, 118-12-002, 118-12-003, 118-12-004, 118-12-005, 118-12-006, 118-12-007.

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 of Euclid Avenue.

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

Date:

5/11/05

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





EXHIBIT A

RX250  
Rev. 04/03

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

172T1  
GCRТА-PROJ.38-CO3  
April 14, 2005

**PARCEL 172-T1  
GCRТА-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 being known as a part of Original 100 Acre Lot No. 338, being also a part of lands conveyed to Royal Ice Cream Co. by Volume 86-4569, Page 5 and by Volume 14248, Page 595 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 of Euclid Avenue, bounded and described as follows;

**Beginning** at a point on the westerly line of the grantor at 42.64 feet right of centerline of right of way of Euclid Avenue Station 229+62.25;

- 1) Thence leaving said line South 84° 47' 43" East, 102.15 feet to a point on the westerly line of land conveyed to Woodland East 39<sup>th</sup> Street Corp. by Instrument No. 200104271014 on file in the Cuyahoga County Recorder's Office at 46.83 feet right of centerline of right of way of Euclid Avenue Station 230+64.31;
- 2) Thence South 00° 58' 35" East along said line, 10.06 feet to a point 56.86 feet right of centerline of right of way of Euclid Avenue Station 230+64.98;
- 3) Thence leaving said line North 84° 47' 43" West, 102.07 feet to a point on the easterly line of lands conveyed to RBR Properties, Ltd. by Instrument No. 200001110181 on file in the Cuyahoga County Recorder's Office at 52.68 feet right of centerline of right of way of Euclid Avenue Station 229+63.00;
- 4) Thence North 01° 25' 07" West along said line, 10.07 feet to the point of beginning.

Containing within said bounds 0.0234 acres of land of which 0.0115 acres lie in Parcel 118-13-002 and 0.0119 acres lie in Parcel 118-13-003.

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 of Euclid Avenue.

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

Date: 4/15/05

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



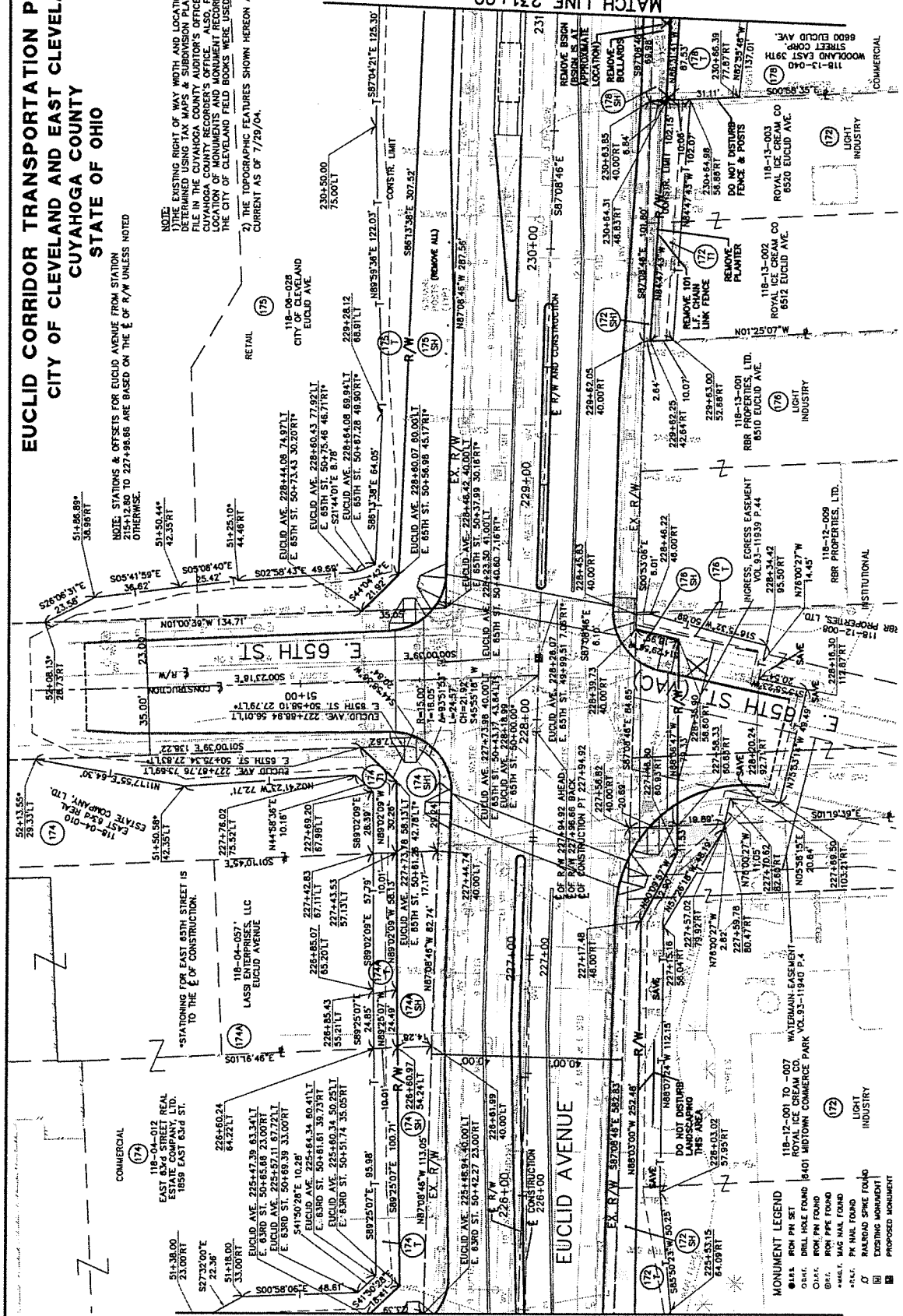




# EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO

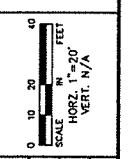
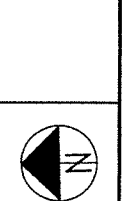
NOTE: STATIONS & OFFSETS FOR EUCLID AVENUE FROM STATION 215+12.80 TO 227+98.66 ARE BASED ON THE E OF R/W UNLESS NOTED OTHERWISE.

NOTE:  
1) THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE OBTAINED FROM THE CITY OF CLEVELAND AND EAST CLEVELAND 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.



SHEET NO.  
**RW132**  
TOTAL SHEETS  
38 OF 44

**ROW PLAN**  
EUCLID AVENUE  
STA. 225+50 TO STA. 231+00  
BID PACKAGE 38 - C03



REVISION BLOCK	
1	DESIGN FILE: 371600-372199
2	DRAWN BY: RGR/TMJ
3	CHECKED BY: MNT/GRS
4	DATE: 5/20/05
5	DESIGN NAME: MNT/GRS
6	DESIGN NUMBER: 3720/05
7	

**EXHIBIT B**

RX 270  
Rev. 04/03

PID  
PARCEL 176SH  
CTY-RTE-SEC GCRTA-PROJ. 38-CO3  
Version Date December 17, 2004

**PARCEL 176-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.

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**Situated** in the City of Cleveland, County of Cuyahoga, and State of Ohio and being known as a part of Original 100 Acre Lot No. 337, being also a part of lands conveyed to RBR Properties, LTD. by Instrument No. 200001110181 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 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 at 40.00 feet right of centerline of right of way of Euclid Avenue Station 227+56.82;

- 1) Thence South 87° 08' 46" East along said right of way, 84.65 feet to a point 40.00 feet right of centerline of right of way of Euclid Avenue Station 228+39.73;
- 2) Thence leaving said right of way South 14° 29' 56" West, 18.99 feet to a point 58.60 feet right of centerline of right of way of Euclid Avenue Station 228+35.90;
- 3) Thence North 88° 36' 47" West, 79.33 feet to a point on the easterly line of lands conveyed to Royal Ice Cream Co. by Volume 93-11939 Page 8 on file in the Cuyahoga County Recorder's Office at 60.63 feet right of centerline of right of way of Euclid Avenue Station 227+58.33;
- 4) Thence North 01° 19' 39" West along said line, 20.69 feet to the point of beginning.

Containing within said bounds 0.0369 acres of land in Parcel 118-12-008.

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 of Euclid Avenue.

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

Date:

12/17/04

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



RX250  
Rev. 04/03

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

176T  
GCRTA-PROJ.38-CO3  
December 17, 2004

**PARCEL 176-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 being known as a part of Original 100 Acre Lot No. 337, being also a part of lands conveyed to RBR Properties, LTD. by Instrument No. 200001110181 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 of Euclid Avenue, bounded and described as follows;

**Beginning** at a point on the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way of Euclid Avenue Station 228+39.73;

- 1) Thence South 87° 08' 46" East along said right of way, 6.10 feet to a point 40.00 feet right of centerline of right of way of Euclid Avenue Station 228+45.83;
- 2) Thence leaving said right of way South 00° 53' 06" East, 6.01 feet to a point 46.00 feet right of centerline of right of way of Euclid Avenue Station 228+46.22;
- 3) Thence South 16° 15' 32" West, 50.89 feet to a point 95.50 feet right of centerline of right of way of Euclid Avenue Station 228+34.42;
- 4) Thence North 76° 00' 27" West, 14.45 feet to a point 92.71 feet right of centerline of right of way of Euclid Avenue Station 228+20.24;
- 5) Thence South 13° 55' 23" West, 20.54 feet to a point 112.87 feet right of centerline of right of way of Euclid Avenue Station 228+16.30;
- 6) Thence North 75° 53' 14" West, 49.49 feet to a point 103.21 feet right of centerline of right of way of Euclid Avenue Station 227+69.50;
- 7) Thence North 05° 58' 15" East, 20.64 feet to a point 82.60 feet right of centerline of right of way of Euclid Avenue Station 227+70.62;
- 8) Thence North 76° 00' 27" West, 11.05 feet to a point on the easterly line of lands conveyed to Royal Ice Cream Co. by Volume 93-11939 Page 8 on file in the Cuyahoga County Recorder's Office at 80.47 feet right of centerline of right of way of Euclid Avenue Station 227+59.78;
- 9) Thence North 01° 19' 39" West along said line, 19.89 feet to a point 60.63 feet right of centerline of right of way of Euclid Avenue Station 227+58.33;
- 10) Thence South 88° 36' 47" East, 79.33 feet to a point 58.60 feet right of centerline of right of way of Euclid Avenue Station 228+35.90;
- 11) Thence North 14° 29' 56" East, 18.99 feet to the point of beginning.

Containing within said bounds 0.0809 acres of land in Parcel 118-12-008.

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

RX250  
Rev. 04/03

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

176T  
GCRTA-PROJ.38-CO3  
December 17, 2004

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

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

Date: 12/17/04

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



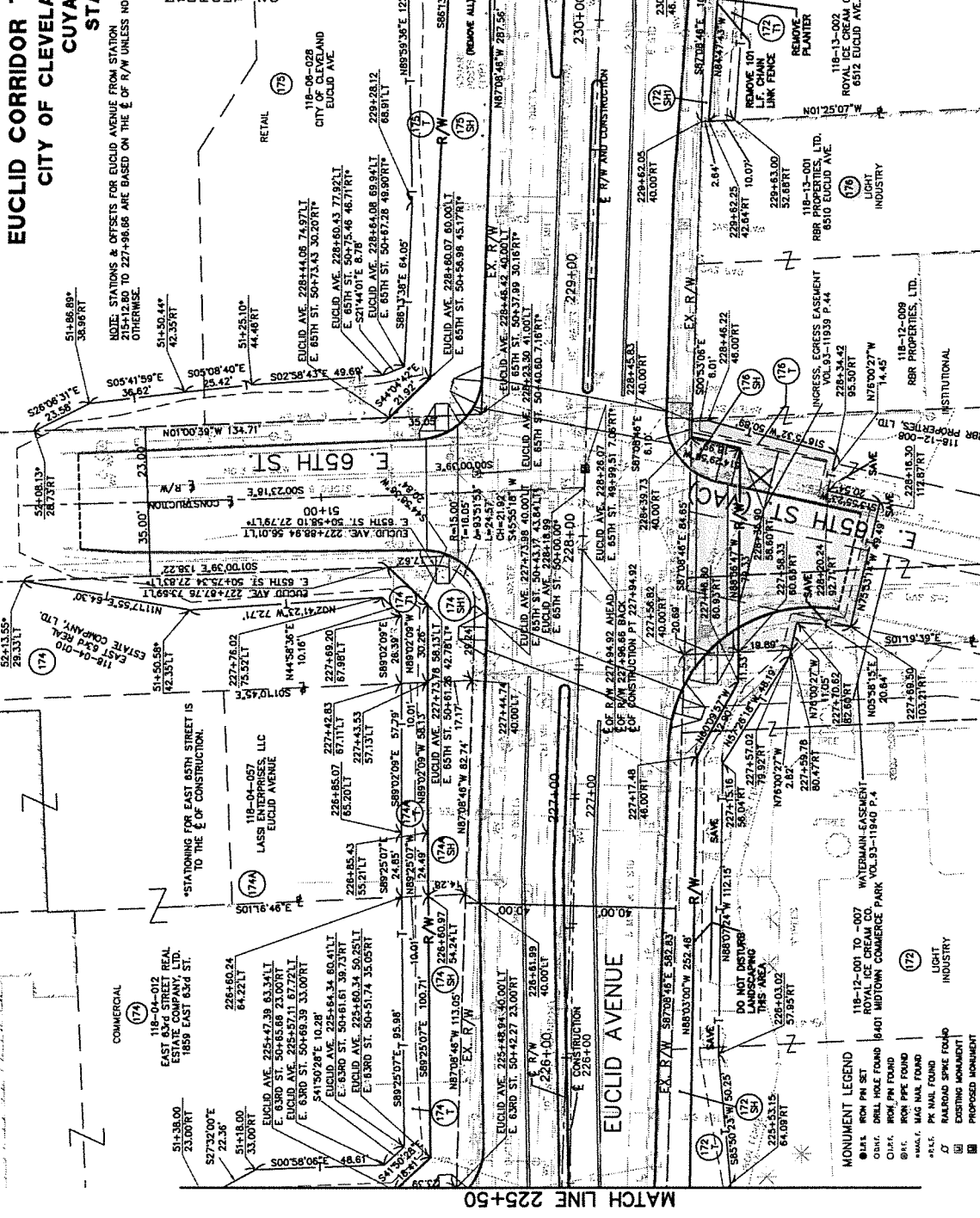
# EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO

NOTE: EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION RECORDS FILED 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.

NOTE: STATIONS & OFFSETS FOR EUCLID AVENUE FROM STATION 118-04-012 TO 227+96.68 ARE BASED ON THE E OF R/W UNLESS NOTED OTHERWISE.

NOTE: STATIONS & OFFSETS FOR EUCLID AVENUE FROM STATION 118-04-012 TO 227+96.68 ARE BASED ON THE E OF R/W UNLESS NOTED OTHERWISE.

NOTE: THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 7/20/05.



COMMERCIAL (174)  
118-04-012 REAL ESTATE COMPANY, LTD.  
1859 EAST 63rd ST.

118-04-057 LASS ENTERPRISES, LLC  
EUCLID AVENUE

STATIONING FOR EAST 65TH STREET IS TO THE E OF CONSTRUCTION.

118-04-012 REAL ESTATE COMPANY, LTD.  
1859 EAST 63rd ST.

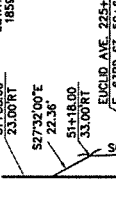
118-04-057 LASS ENTERPRISES, LLC  
EUCLID AVENUE

MONUMENT LEGEND  
 ○ O.D.M. DRILL HOLE FOUND  
 ○ O.D.M. FROM P.N. FOUND  
 ○ O.D.M. FROM P.P.E. FOUND  
 ○ O.D.M. FROM M.A.G. NAIL FOUND  
 ○ O.D.M. FROM M.A.G. NAIL FOUND  
 ○ O.D.M. FROM RAILROAD SPIKE FOUND  
 ○ O.D.M. EXISTING MONUMENT  
 ○ O.D.M. PROPOSED MONUMENT

REVISION BLOCK

NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			

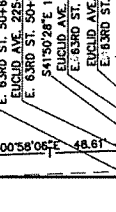
DESIGN FILE: 371600-37199  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 5/20/05



FS  
 FREDERICKS & SONS  
 ENGINEERS  
 118-04-012 REAL ESTATE COMPANY, LTD.  
 1859 EAST 63rd ST.

Without South Associates  
 ENGINEERS, INC.  
 118-04-012 REAL ESTATE COMPANY, LTD.  
 1859 EAST 63rd ST.

euclid corridor  
 euclid corridor  
 euclid corridor



RMA  
 GREATER CLEVELAND  
 REGIONAL TRANSIT  
 AUTHORITY

ROW PLAN  
 EUCLID AVENUE  
 STA. 225+50 TO STA. 231+00  
 BID PACKAGE 38 - C03

SHEET NO.  
 RW132  
 RW162  
 TOTAL SHEETS  
 35 OF 44



#176

RX 270  
Rev. 04/03

PID  
PARCEL 182SH  
CTY-RTE-SEC GCRTA-PROJ. 38-CO3  
Version Date January 20, 2005

**PARCEL 182-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 Iowa Realty, Inc. by Volume 10337, Page 71 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** southerly right of way of Euclid Avenue at the northeasterly corner of the grantor at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 232+32.02;

- 1) Thence leaving said right of way and along the westerly line of lands conveyed to Woodland-East 39<sup>th</sup> Street Corporation by Volume 87-7285, Page 66 on file in the Cuyahoga County Recorder's Office, South 01° 02' 52" East, 12.39 feet to a point 52.35 feet right of centerline of right of way and construction of Euclid Avenue Station 232+32.91;
- 2) Thence leaving said westerly line, North 85° 08' 17" West, 15.33 feet to a point on the easterly line of lands conveyed to Woodland East 39<sup>th</sup> Street Corp. by Instrument No. 200104271014 on file in the Cuyahoga County Recorder's Office at 51.88 feet right of centerline of right of way and construction of Euclid Avenue Station 232+17.59;
- 3) Thence North 00° 58' 35" West along said easterly line, 11.91 feet to a point on the southerly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 232+16.74;
- 4) Thence South 86° 55' 22" East leaving said easterly line and along said right of way, 15.27 feet to the point of beginning.

Containing within said bounds 0.0043 acres of land in Parcel 118-13-004.

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:

1/20/05

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



RX250  
Rev. 04/03

PID  
PARCEL  
CTY-RTE-SEC  
Version Date  
182T  
GCRТА-PROJ.38-CO3  
January 20, 2005

**PARCEL 182-T  
GCRТА-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 Iowa Realty, Inc. by Volume 10337, Page 71 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 51.88 feet right of centerline of right of way and construction of Euclid Avenue Station 232+17.59;

- 1) Thence South 85° 08' 17" East, 15.33 feet to a point on the westerly line of lands conveyed to Woodland-East 39<sup>th</sup> Street Corporation by Volume 87-7285, Page 66 on file in the Cuyahoga County Recorder's Office at 52.35 feet right of centerline of right of way and construction of Euclid Avenue Station 232+32.91;
- 2) Thence South 01° 02' 52" East along said westerly line, 100.75 feet to a point 152.84 feet right of centerline of right of way and construction of Euclid Avenue Station 232+40.15;
- 3) Thence leaving said westerly line, South 88° 56' 14" West, 15.38 feet to a point on the easterly line of lands conveyed to Woodland East 39<sup>th</sup> Street Corp. by Instrument No. 200104271014 on file in the Cuyahoga County Recorder's Office at 153.95 feet right of centerline of right of way and construction of Euclid Avenue Station 232+24.82;
- 4) Thence North 00° 58' 35" West along said easterly line, 102.33 feet to the point of beginning.

Containing within said bounds 0.0357 acres of land in Parcel 118-13-004.

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

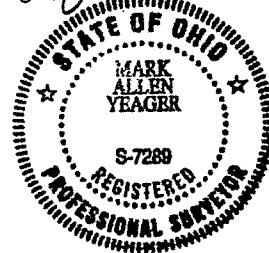
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

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

Date:

1/20/05

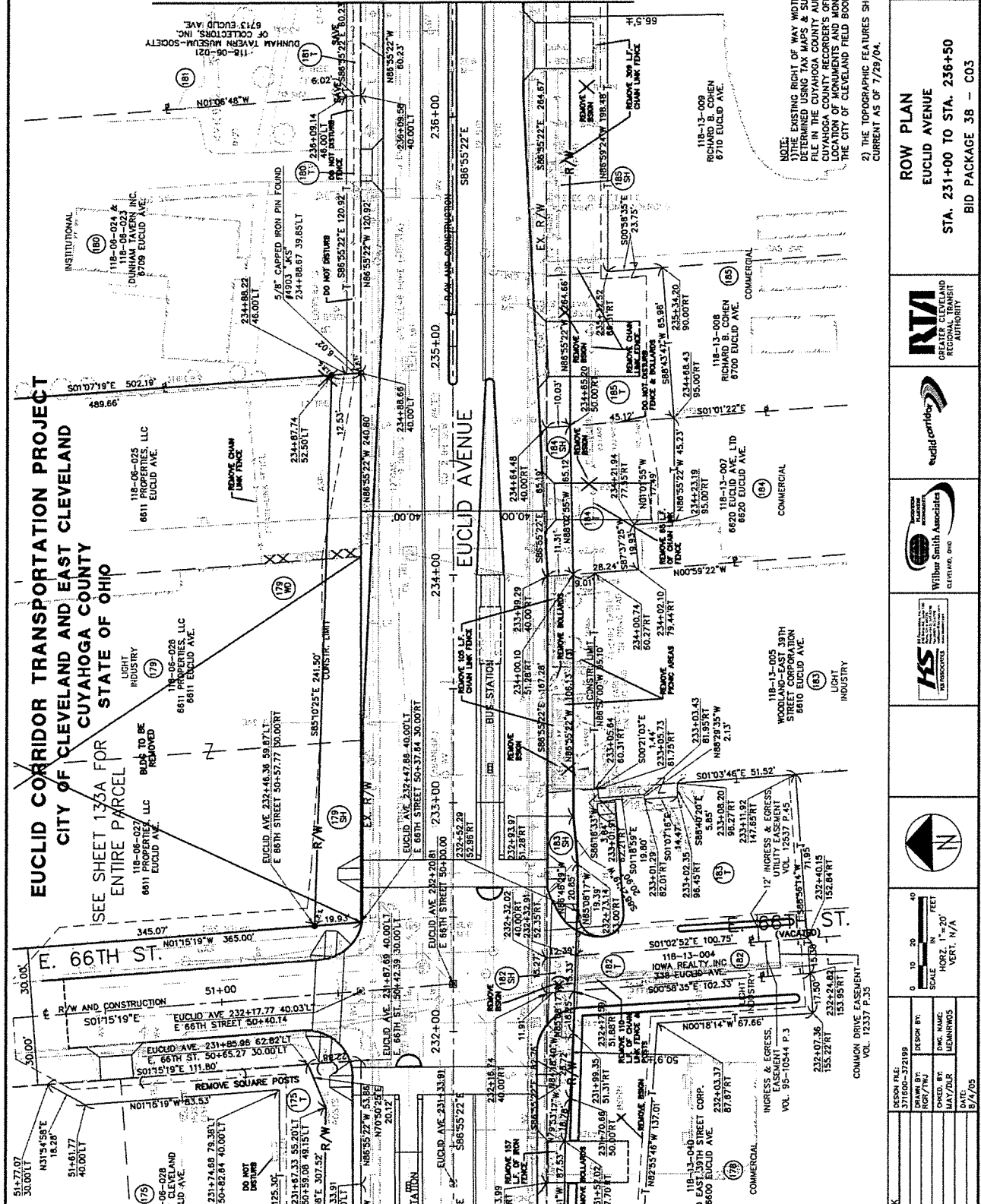
Mark A. Yeager  
Mark A. Yeager, P.S. 7289



NOTE:  
 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 THE CITY OF CLEVELAND'S RECORDS. THE EXISTING 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.

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

SEE SHEET 135A FOR  
 ENTIRE PARCEL



**MONUMENT LEGEND**

- MAX IRON PIN SET
- MIN IRON PIN SET
- IRON PIPE FOUND
- IRON PIPE FOUND
- MAG. MAG. FOUND
- PK. MAG. FOUND
- RAILROAD SPICE FOUND
- EXISTING MONUMENT
- PROPOSED MONUMENT

REVISION BLOCK			
1		DESIGN	3/16/04
2		DRAWN BY	R06/11/J
3		CHECKED BY	JAY/02/R
4		DATE	5/4/05
5		SCALE	HORIZ. 1"=20' VERT. N/A
6		DATE	5/4/05
7			

N

KIA  
 GREATER CLEVELAND  
 REGIONAL TRANSIT  
 AUTHORITY

eSud-Centerville

Willbur Smith Associates  
 CLEVELAND, OHIO

KS  
 SURVEYING &  
 CONSULTING

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)
172T	118-11-012 118-11-013 118-11-014 118-12-001 118-12-002 118-12-003 118-12-004 118-12-005 118-12-006 118-12-007	C-03	Royal Ice Cream Company	Temporary Easement	0.0000	0.0000	0.3994
172T1	118-13-002 118-13-003	C-03	Royal Ice Cream Company	Temporary Easement	0.0000	0.0000	0.0234
172SH	118-11-012 118-11-013 118-11-014 118-12-001 118-12-002 118-12-003 118-12-004 118-12-005 118-12-006 118-12-007	C-03	Royal Ice Cream Company	Permanent Easement	0.0000	0.2884	0.0000
172SH1	118-13-002 118-13-003	C-03	Royal Ice Cream Company	Permanent Easement	0.0000	0.0111	0.0000
176T	118-12-008	C-03	RBR Properties, LTD.	Temporary Easement	0.0000	0.0000	0.0809
176SH	118-12-008	C-03	RBR Properties, LTD.	Permanent Easement	0.0000	0.0369	0.0000
182T	118-13-004	C-03	Iowa Realty, Inc.	Temporary Easement	0.0000	0.0000	0.0357
182SH	118-13-004	C-03	Iowa Realty, Inc.	Permanent Easement	0.0000	0.0043	0.0000



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

<p><b>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 \$118,318.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).</b></p>	<p>Resolution No.: 2005-</p>
	<p>Date: September 15, 2005</p>
	<p>Initiator: Euclid Corridor Transportation Project</p>
<p><b>ACTION REQUEST:</b>  <input 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-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 4<sup>th</sup> Quarter 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 \$73,948.75, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$44,369.25, line item 13.75.91 for a total amount of \$118,318.00 (\$94,654.40 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 Planning and Development Committee at their September 6, 2005 meeting. Further negotiations since September 6, 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