

RESOLUTION NO. 2005 – 160

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 \$25,000.00 (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-02; and

WHEREAS, it is necessary and proper for the Authority to acquire real property interests at 720 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 101-27-026, 101-27-027 and 101-27-028 for ECTP Parcel Number 40 from owner GSK 720 Euclid, LLC and 720 Euclid Garage, LLC, for the appraisal value amount of \$25,000.00 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 \$25,000.00, 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 720 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by GSK 720 Euclid, LLC and 720 Euclid Garage, LLC, 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-02, it is necessary and proper to acquire interests in the lands located at 720 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 101-27-026, 101-27-027 and 101-27-028, for ECTP Parcel Number 40 as set forth on the attached drawing labeled Attachment A depicting the parcel owned by GSK 720 Euclid, LLC and 720 Euclid Garage, LLC, 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 \$25,000.00. 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-02

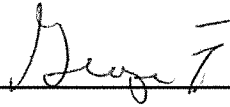
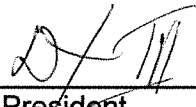
Section 6. That the General Manager/Secretary-Treasurer is hereby authorized to cause written notice of the adoption of this Resolution to be transmitted to the owners or persons in possession of and persons having an interest of record in the Property, and said notice shall be served by the appropriate 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 \$15,625 and Capital Grant OH-90-X484-01 in the amount of \$9,375 for a total amount of \$25,000.00 (\$20,000 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: November 15, 2005    
President

Attest:   
CEO, General Manager/Secretary –Treasurer

PID	
PARCEL	40T
CTY-RTE-SEC	GCRТА-PROJ.38-CO2
Version Date	December 13, 2004

**PARCEL 40-T**  
**GCRТА-PROJ.38-CO2**  
**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 2 Acre Lot Nos. 106 and 107, being also a part of land conveyed to GSK 720 Euclid, LLC and 720 Euclid Garage, LLC by Instrument No. 200212201407 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, 99 feet wide, and the westerly right of way of East 8<sup>th</sup> Street, 16.00 feet wide, at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 113+06.11 and 8.00 feet left of centerline of right of way and construction of East 8<sup>th</sup> Street Station 49+50.47;

- 1) Thence South 10° 37' 09" East along said westerly right of way of East 8<sup>th</sup> Street 41.47 feet to a point 8.00 feet left of centerline of right of way and construction of East 8<sup>th</sup> Street Station 49+09.00;
- 2) Thence leaving said right of way South 79° 22' 51" West, 3.81 feet to a point 11.81 feet left of centerline of right of way and construction of East 8<sup>th</sup> Street Station 49+09.00;
- 3) Thence North 10° 46' 01" West, 30.10 feet to a point 60.86 feet right of centerline of right of way and construction of Euclid Avenue Station 113+02.18 and 11.89 feet left of centerline of right of way and construction of East 8<sup>th</sup> Street Station 49+39.10;
- 4) Thence North 28° 18' 51" West, 5.60 feet to a point 55.51 feet right of centerline of right of way and construction of Euclid Avenue Station 113+00.49 and 13.59 feet left of centerline of right of way and construction of East 8<sup>th</sup> Street Station 49+44.43;
- 5) Thence South 79° 14' 58" West, 194.41 feet to a point on the easterly line of land conveyed to GSK Atrium, LLC. and Edgerton Properties Limited Partnership by Instrument No. 200212201397 on file in the Cuyahoga County Recorder's Office at 55.23 feet right of centerline of right of way and construction of Euclid Avenue Station 111+06.08;
- 6) Thence North 10° 34' 26" West along said line 5.73 feet to a point on said southerly right of way of Euclid Avenue at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 111+06.11;
- 7) Thence North 79° 10' 01" East along said right of way 200.00 feet to the point of beginning.

Containing within said bounds 0.0302 acres of land of which 0.0133 acres lies in Parcel 101-27-026, 0.0034 acres lies in Parcel 101-27-027 and 0.0135 acres lies in Parcel 101-27-028.

PID	
PARCEL	40T
CTY-RTE-SEC	GCRTA-PROJ.38-CO2
Version Date	December 13, 2004

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 8<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:

12/13/04

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

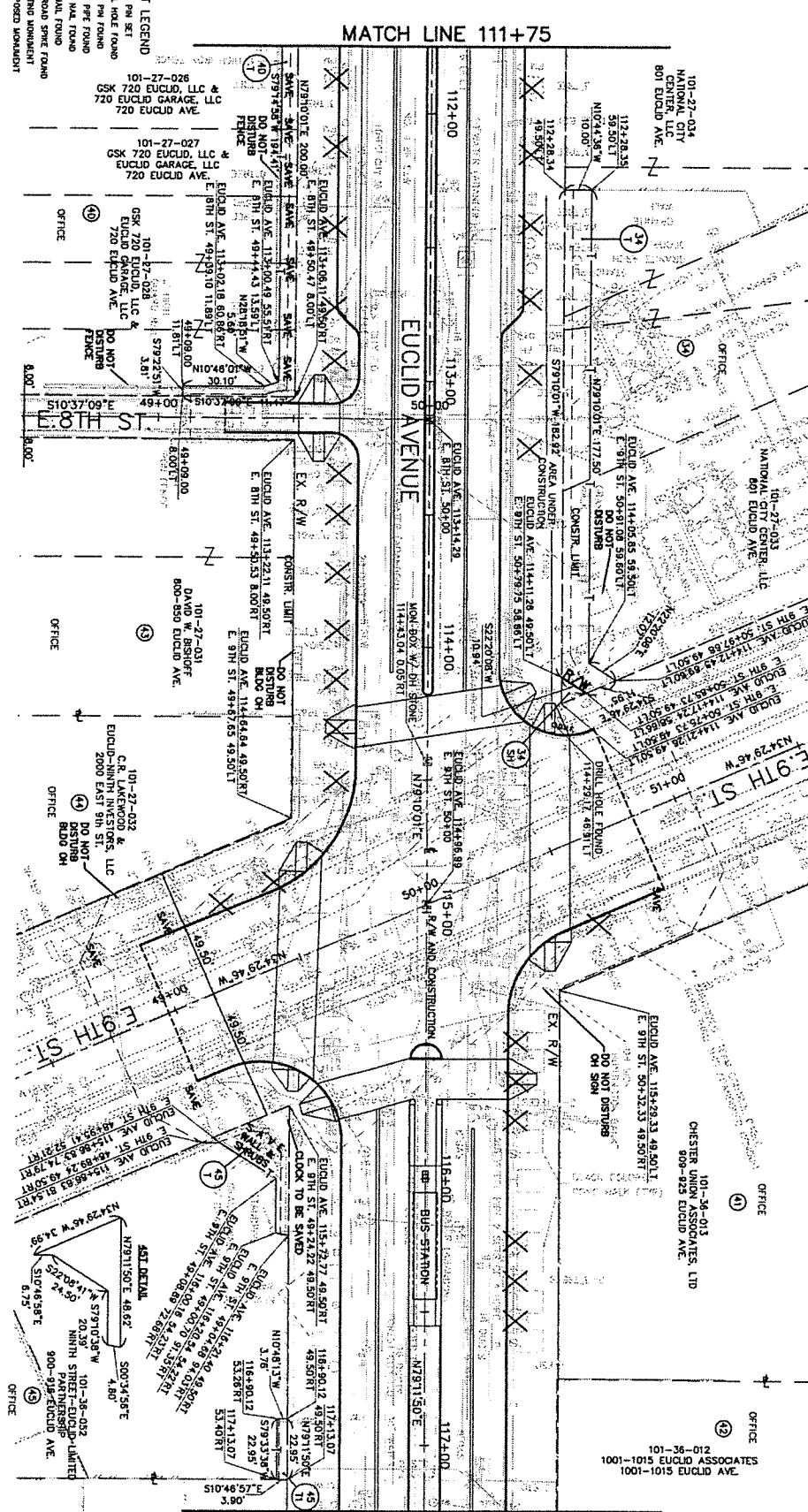


# EUCLID CORRIDOR TRANSPORTATION PROJECT

## CITY OF CLEVELAND AND EAST CLEVELAND

### CUYAHOGA COUNTY

#### STATE OF OHIO



**REVISION BLOCK**

NO.	DATE	BY	DESCRIPTION
1	9/14/03	DMN	ISSUED FOR BIDDING
2			
3			
4			
5			
6			

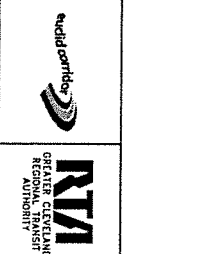
**MONUMENT LEGEND**

- MON. FOUND
- MON. NOT FOUND
- MON. PPE FOUND
- MON. MAG. N/A FOUND
- MON. PK. N/A FOUND
- MON. RAILROAD SPARE FOUND
- MON. EXISTING MONUMENT
- MON. PROPOSED MONUMENT

**NOTE:**  
THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 10/14/04.

**PERSONNEL**

NO.	NAME	DATE
1	DMN	9/14/03
2	DMN	9/14/03
3	DMN	9/14/03
4	DMN	9/14/03
5	DMN	9/14/03
6	DMN	9/14/03



**ROW PLAN**  
EUCLID AVENUE  
STA. 111+75 TO STA. 117+25  
BID PACKAGE - C02

**SHEET NO.** RW111  
**TOTAL SHEETS** 23 OF 33

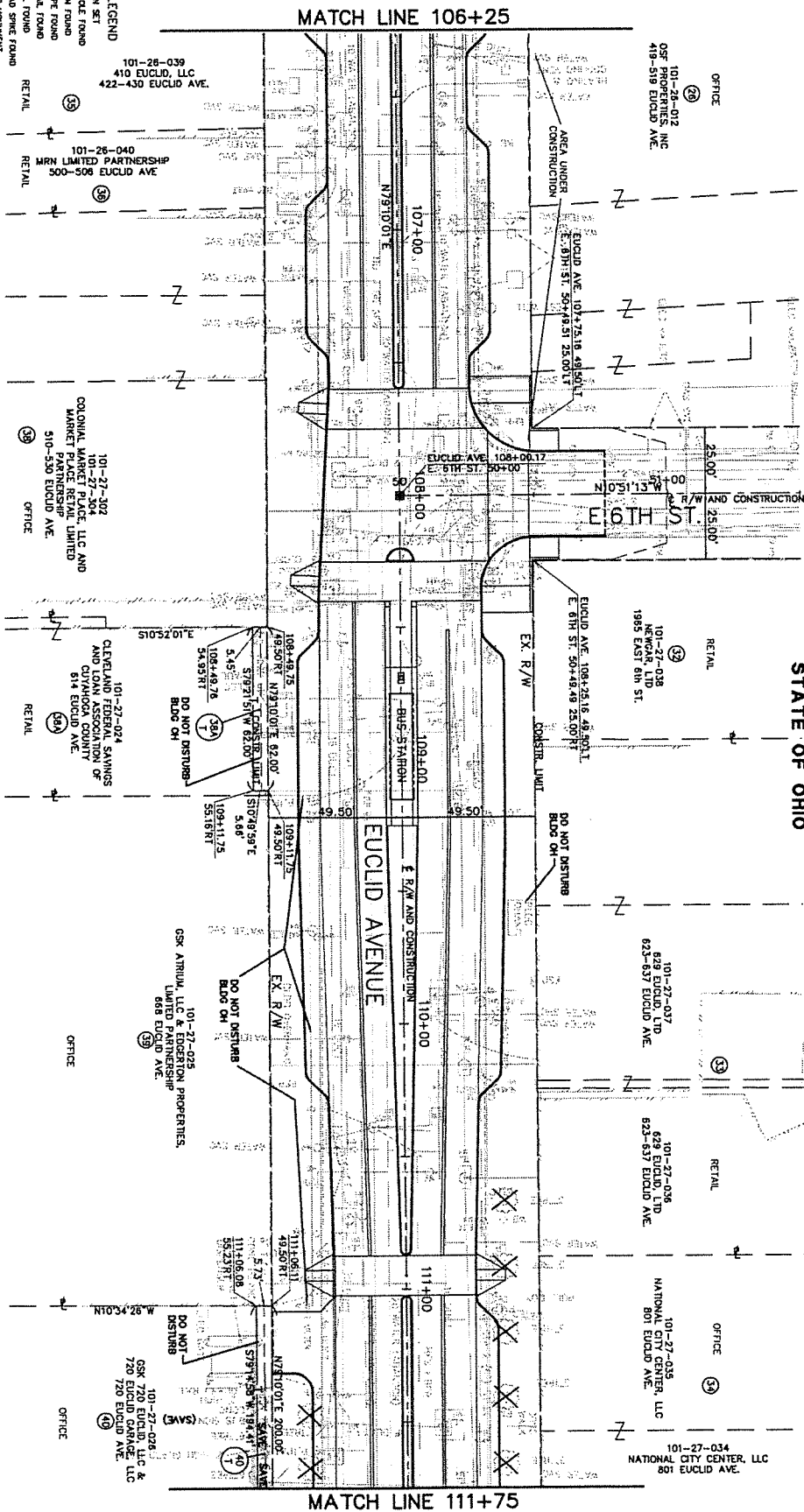
**NOTE:** THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION PLATS ON FILE IN THE CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY RECORDER'S OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

# EUCLID CORRIDOR TRANSPORTATION PROJECT

## CITY OF CLEVELAND AND EAST CLEVELAND

### CUYAHOGA COUNTY

### STATE OF OHIO



NOTE:  
THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE  
CURRENT AS OF 10/14/04.

\*\* DENOTES RIGHT OF WAY ENCROACHMENT

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

NO.	REVISION BLOCK	ISSUED DATE	BY	CHECKED BY	DATE
1		3/16/00-3/16/00	RESHA BT	RESHA BT	
2		3/16/00-3/16/00	RESHA BT	RESHA BT	
3		3/16/00-3/16/00	RESHA BT	RESHA BT	
4		3/16/00-3/16/00	RESHA BT	RESHA BT	
5		3/16/00-3/16/00	RESHA BT	RESHA BT	
6		3/16/00-3/16/00	RESHA BT	RESHA BT	
7		3/16/00-3/16/00	RESHA BT	RESHA BT	

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

<b>RTM</b> GREATER CLEVELAND REGISTRATION AUTHORITY	<b>ROW PLAN</b> EUCLID AVENUE STA. 106+25 TO STA. 111+75 BID PACKAGE 38 - CO2	
SHEET NO. <b>RW110</b>	TOTAL SHEETS 22 OF 33	

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)
40T	101-27-026, 101-27-027 & 101-27-028	C02	GSK 720 Euclid, LLC and 720 Euclid Garage, LLC.	Temporary Easement	0.0000	0.0000	0.0302



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 \$25,000.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2005-160
	Date: November 10, 2005
	Initiator: Euclid Corridor Transportation Project
ACTION REQUEST: <input 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 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-02
- 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 2<sup>nd</sup> Quarter 2006 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 the subject property owner.
- 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 \$15,625, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$9,375, line item 13.75.91 for a total amount of \$25,000.00 (\$20,000 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 owner, 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 and Planning and Development Committee at their November 1, 2005 meeting and recommended to the Board of Trustees for approval. Further negotiations since November 1, 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