

RESOLUTION NO. 2005-186

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 \$1,800.00 (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-04; and

WHEREAS, it is necessary and proper for the Authority to acquire real property interests at: A.) 8125 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 119-02-083 for ECTP Parcel Number 221 SH,T from owner Thomas H. Johnson, for the appraisal value amount of \$1,500.00 and B.) 11625 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 120-23-030 for ECTP Parcel Number 297 T from owner BMS Investments, for the appraisal value amount of \$300.00, 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 \$1,800.00, 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 has been unable to locate the owners of the properties, 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: A.) 8125 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Thomas H. Johnson and B.) 11625 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by BMS Investments 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-04, it is necessary and proper to acquire interests in the lands located at: A.) 8125 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 119-02-083, for ECTP Parcel Number 221 SH-T as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Thomas H. Johnson and B.) 11625 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 120-23-030, for ECTP Parcel Number 297 T as set forth on the attached drawing labeled

Attachment B depicting the parcel owned by BMS Investments, which is incorporated herein by reference. These parcels shall hereinafter be referred to as the "Properties."

Section 3. That the value of the interests in the Properties is \$1,800.00. 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-04.

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 \$1,125.00 and Capital Grant OH-90-X484-01 in the amount of \$675.00 for a total amount of \$1,800.00 (\$1,440.00 in Federal funds which represents 80% of the total cost and is contingent upon FTA approval of grant budget revisions). 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 (Attachment A and B)
Property interest spreadsheet (Attachment C)

Adopted: December 20, 2005



President

Attest: 

CEO, General Manager/Secretary –Treasurer

RX250
Rev. 04/03

PID	
PARCEL	221T
CTY-RTE-SEC	GCRTA-PROJ.38-CO4
Version Date	January 25, 2005

PARCEL 221-T
GCRTA-PROJ.38-CO4
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 a part of Sublot No. T-V in the Plat of Consolidation and Lot Split of Sublot T-28 and Block C and parcel T-T in Beacon Place at Church Square, part of original One Hundred Acre Lot No. 399 as shown by the recorded plat in Volume 302, Page 40 of the Cuyahoga County Plat Records, also a part of the lands conveyed to Thomas H. Johnson by Instrument No. 200102261111 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 a point on the easterly line of the grantor at 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+41.37;

- 1) Thence North 86° 50' 47" West, 26.39 feet to a point on the easterly line of lands conveyed to Isabel Yuzon Hilliard by Instrument No. 200011240558 on file in the Cuyahoga County Recorder's Office at 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+14.98;
- 2) Thence North 00° 37' 27" West along said line, 6.01 feet to a point 56.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+14.59;
- 3) Thence leaving said line, South 86° 50' 47" East, 26.39 feet to a point on the westerly line of lands conveyed to Harold C. Sharpley and Rhonda D. Sharpley by Instrument No. 200202140695 on file in the Cuyahoga County Recorder's Office at 56.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+40.98
- 4) Thence South 00° 37' 58" East along said line, 6.01 feet to the point of beginning.

Containing within said bounds 0.0036 acres of land in Parcel 119-02-083.

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

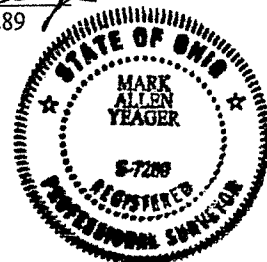
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

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



**PARCEL 221-SH
GCRTA-PROJ. 38-CO4
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 known as being a part of Sublot No. T-V in the Plat of Consolidation and Lot Split of Sublot T-28 and Block C and parcel T-T in Beacon Place at Church Square, part of original One Hundred Acre Lot No. 399 as shown by the recorded plat in Volume 302, Page 40 of the Cuyahoga County Plat Records, also a part of the lands conveyed to Thomas H. Johnson by Instrument No. 200102261111 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 47.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+41.57;

- 1) Thence North 86° 50' 47" West along said right of way, 26.39 feet to a point 47.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+15.18;
- 2) Thence leaving said right of way, North 00° 37' 27" West along the easterly line of lands conveyed to Isabel Yuzon Hilliard by Instrument No. 200101040408 on file in the Cuyahoga County Recorder's Office, 3.01 feet to a point 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+14.98;
- 3) Thence leaving said line, South 86° 50' 47" East, 26.39 feet to a point on the westerly line of lands conveyed to Harold C. Sharpley and Rhonda D. Sharpley by Instrument No. 200202140695 on file in the Cuyahoga County Recorder's Office at 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 268+41.37;
- 4) Thence South 00° 37' 58" East along said line, 3.01 feet to the point of beginning.

Containing within said bounds 0.0018 acres of land in parcel 119-02-083.

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:

1/28/05

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



RX250
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

297T
GCRTA-PROJ.38-CO4
January 27, 2005

**PARCEL 297-T
GCRTA-PROJ.38-CO4
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 Sublot No. 65 in Klaustermeyer and Henschen's Allotment as recorded in Volume 25 Page 11 of Cuyahoga County Plat Records, and part of Original One Hundred Acre Lot Nos. 395 and 396, and part of lands conveyed to BMS Investments Ltd. by Volume 97-5649 Page 35 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 grantor's northeasterly corner on the westerly right of way of Euclid Avenue at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 358+24.48;

- 1) Thence along said westerly right of way, South 42° 54' 36" West, 6.46 feet to a point 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 358+18.02;
- 2) Thence leaving said westerly right of way North 32° 21' 46" West, 10.34 feet to a point 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 358+20.65;
- 3) Thence North 42° 54' 36" East, 6.35 feet to a point on the southerly line of lands conveyed to University Circle Development Foundation by Volume 10395 Page 509 on file in the Cuyahoga County Recorder's Office at 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 358+27.00;
- 4) Thence along said southerly line South 32° 56' 56" East, 10.31 feet to the point of beginning.

Containing within said bounds 0.0015 acres of land in Parcel 120-23-030.

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

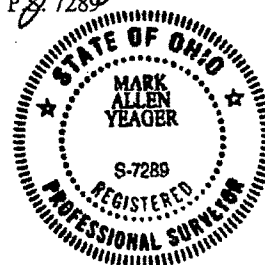
The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

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Date:

1/28/05

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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)
221T	119-02-083	C04	Thomas H. Johnson	Temporary Easement	0.0000	0.0000	0.0036
221SH	119-02-083	C04	Thomas H. Johnson	Permanent Easement	0.0000	0.0018	0.0000
297 T	120-23-030	C04	BMS Investments LTD.	Temporary Easement	0.0000	0.0000	0.0015



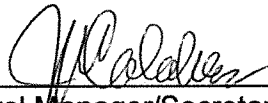
Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

<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 HEREINAFTER-DESCRIBED PARCELS FOR A TOTAL AMOUNT OF \$1,800.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).</p>	<p>Resolution No.: 2005-186</p>
	<p>Date: December 15, 2005</p>
	<p>Initiator: Euclid Corridor Transportation Project</p>
<p>ACTION REQUEST: <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-04.
- 2.0 **DESCRIPTION/JUSTIFICATION:** These properties are vital for right-of-way needed for the third 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 the properties are in foreclosure and the property owners cannot be located after due diligence for a minimum of 45 days, eminent domain proceedings may be initiated. Construction is anticipated to commence in third Quarter 2006.
- 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 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 line item 13.75.91 in the amount of \$1,125.00 and Capital Grant OH-90-X484-01 line item 13.75.91 in the amount of \$675.00 for a total amount of \$1,800.00 (\$1,440.00 in Federal funds which represent 80% of the total cost and is contingent upon FTA approval of grant budget revisions). 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: These property acquisitions were reviewed by the Board of Trustees Planning and Development Committee at their December 6, 2005 meeting and recommended to the Board of Trustees for approval. Further negotiations since December 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.



CEO, General Manager/Secretary-Treasurer