

RESOLUTION NO. 2006-71

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A CONTRACT FOR RIGHT OF ENTRY TO USE PERMANENT AND TEMPORARY EASEMENT AREAS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN THE HEREINAFTER-DESCRIBED PARCELS, DECLARING THE NECESSITY THEREFOR FOR THE PURPOSE OF MAKING AND REPAIRING ROADS THAT SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING THE COMPENSATION DUE FOR THIS RIGHT OF ENTRY TO BE \$50,000.00 (RTA DEVELOPMENT FUND – EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority requires property right of entry for the purpose of making and repairing roads to better improve public transportation in Cleveland; and

WHEREAS, the Greater Cleveland Regional Transit Authority plans to construct the Euclid Corridor Transportation Project – bid package C-02 on a portion of these properties and therefore must attain use of permanent and temporary easement areas from the following parcels located on Euclid Avenue between East 17<sup>th</sup> Street and Interstate I-90: A.) Parcel 73, B.) Parcel 74, C.) Parcel 80, D.) Parcel 86, E.) Parcel 87, F.) Parcel 91, G.) Parcel 94, H.) Parcel 97, I.) Parcel 98, J.) Parcel 100, K.) Parcel 101 and L.) Parcel 102; and

WHEREAS: Cleveland State University is the owner of Parcels 73, 74, 80, 86, 87, 91, 94, 97, 98, 100, 101 and 102 as identified above and desires to allow the Greater Cleveland Regional Transit Authority to use such property for construction of the Euclid Corridor Transportation Project; and

WHEREAS: Cleveland State University intends to transfer ownership of such property directly to the City of Cleveland upon completion of the Euclid Corridor Transportation Project; and

WHEREAS, a Review Appraiser approved the Fair Market Value Estimate in the appraisal report and the compensation for use of the property is less than the fair market value of the property; and

WHEREAS, the Greater Cleveland Regional Transit Authority wishes to enter into a Contract for Right of Entry for the use of permanent and temporary easement areas with Cleveland State University by providing \$50,000.00 as monetary compensation for the use of such property.

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

Section 1. That the General Manager/Secretary-Treasurer is hereby authorized to execute a Contract for Right of Entry for the use of permanent and temporary easement areas for these properties and all other documents required to use this real estate.

Section 2. That the Total Purchase Price of \$50,000.00 is less than the fair market value of these properties as determined by the property appraisal report, as approved by a Review

Appraiser, and has been agreed to by Cleveland State University as the full monetary compensation for the use of the easement areas.

Section 3. That the compensation amount 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 \$31,250 and Capital Grant OH-90-X484-01 in the amount of \$18,750 for a total amount of \$50,000.00 (\$40,000 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 4. That the execution of a Contract for Right of Entry and use of permanent and temporary easement areas from this owner is necessary to carry out the Euclid Corridor Transportation Project.

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

Attachment: Maps and legal descriptions (Attachment A-L)  
Property Interest spreadsheet (Attachment M)

Adopted: April 18, 2006

\_\_\_\_\_  
President

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



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

<p>AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A CONTRACT FOR RIGHT OF ENTRY TO USE PERMANENT AND TEMPORARY EASEMENT AREAS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN THE HEREINAFTER-DESCRIBED PARCELS, DECLARING THE NECESSITY THEREFOR FOR THE PURPOSE OF MAKING AND REPAIRING ROADS THAT SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING THE COMPENSATION DUE FOR THIS RIGHT OF ENTRY TO BE \$50,000.00 (RTA DEVELOPMENT FUND-EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)</p>	<p>Resolution No.: 2006-71</p>
	<p>Date: April 13, 2006</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 this Contract for Right of Entry is to provide a legal right to use permanent and temporary easement areas from properties owned by Cleveland State University to construct the Euclid Corridor Transportation Project – bid package C-02.

2.0 **DESCRIPTION/JUSTIFICATION:** These properties are vital for right-of-way needed for the second phase of construction of the Euclid Corridor Transportation Project. The properties shall be used by the Greater Cleveland Regional Transit Authority for the purpose of making and repairing roads to better improve public transportation in Cleveland and the acquisition of right-of-way in conjunction therewith. Construction is anticipated to commence in the second quarter of 2006.

GCRTA desired to purchase these properties from Cleveland State University. However, Cleveland State University is only able under its charter to transfer property directly to municipalities. Because of this restriction, a Contract for Right of Entry is needed to allow GCRTA to move forward with construction.

Cleveland State University intends to transfer these properties directly to the City of Cleveland upon the completion of the Euclid Corridor Transportation Project. GCRTA informed the FTA and the City of Cleveland of this intent. No further monetary compensation is anticipated to be due upon the transfer of easements from Cleveland State University to the City of Cleveland.

3.0 **PROCUREMENT BACKGROUND:** Does Not Apply.

4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does Not Apply.

5.0 **POLICY IMPACT:** Staff is seeking Board approval since the value of this right of entry is in excess of \$2,500. This is consistent with the RTA Real Estate Policy and it complies with the ECTP Real Estate Acquisition Policy Manual (RAMP) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

- 6.0 **ECONOMIC IMPACT:** The compensation amount 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 \$31,250 and Capital Grant OH-90-X484-01 line item 13.75.91 in the amount of \$18,750 for a total amount of \$50,000.00 (\$40,000 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. The compensation amount is less than the fair market value of these properties as determined by the property appraisal reports. A Review Appraiser approved the Fair Market Value Estimate in the appraisal reports.
- 7.0 **ALTERNATIVES:** There are no viable alternatives to attaining Right of Entry to these properties. The right-of-way needs for the project require the use of the permanent and temporary easement area on these properties.
- 8.0 **RECOMMENDATION:** This compensation amount was reviewed by the Board of Trustees Planning and Development Committee at their April 4, 2006 meeting and recommended to the Board for approval. Staff recommends that the Board of Trustees approve the resolution to authorize the Right of Entry to use of these properties.
- 9.0 **ATTACHMENTS:** Contract for Right of Entry with Cleveland State University (Attachment A).

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