

RESOLUTION NO. 2006-153

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 \$36,660.00 (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.) 10541 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 119-20-010 for ECTP Parcel Number 259 SH, T from owner Beal Auto Service, Inc., an Ohio Corporation, for the appraisal value amount of \$16,235.00, B.) 11601 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 119-23-016 and 120-23-017 for ECTP Parcel Number 292 SH, T from owner Maximum Independent Living for the appraisal value amount of \$2,875.00 and C.) 11717-11723 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel numbers 120-23-032 & 120-23-033 for ECTP Parcel Number 299 SH, T from owner Chagrin Realty, Inc., for the appraisal value amount of \$17,550.00, 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 \$36,660.00, 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 land by the Authority or the Authority has been unable to attain title to the properties free and clear 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 Attachment D, which is incorporated herein by reference: A.) 10541 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Beal Auto Service, Inc., an Ohio Corporation is both necessary and proper, and will further the objectives of the Authority, B.) 11601 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Maximum Independent Living is both necessary and proper, and will further the objectives of the Authority and C.) 11717-11723 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Chagrin 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-04, it is necessary and proper to acquire interests in the lands located at: A.) 10541 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 119-20-010, for ECTP Parcel Number 259 SH,T as set forth on the attached drawing labeled Attachment A depicting the parcel owned by Beal Auto Service, Inc., B.) 11601 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 120-23-016 and 120-23-017, for ECTP Parcel Number 292 SH, T as set forth on the attached drawing labeled Attachment B depicting the parcel owned by Maximum Independent Living and C.) 11717-11723 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Numbers 120-23-032 and 120-23-033, for ECTP Parcel Number 299 SH,T as set forth on the attached drawing labeled Attachment C depicting the parcel owned by Chagrin Realty, Inc., 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 \$36,660.00. 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 or the Authority has been unable to attain title to the properties free and clear. 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 \$22,912.70 and Capital Grant OH-90-X484-01 in the amount of \$13,747.49 for a total amount of \$36,660.00 (\$29,328.00 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: Maps and legal descriptions (Attachment A-C)
Property interest spreadsheet (Attachment D)

Adopted: August 15, 2006

President

Attest: _____
CEO, General Manager/Secretary –Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: 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 \$36,660.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2006-153
	Date: August 10, 2006
	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-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. Eminent domain proceedings may be initiated because agreement could not be reached with the property owners after negotiating for a minimum of 45 days or because the Authority is unable to acquire title to the property free and clear. Construction is anticipated to commence in the third quarter of 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 \$22,912.70 and Capital Grant OH-90-X484-01 line item 13.75.91 in the amount of \$13,747.49 for a total amount of \$36,660.00 (\$29,328.00 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 owners, 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 August 1, 2006 meeting and recommended approval by the Board of Trustees. Further negotiations since August 1, 2006 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