

RESOLUTION NO. 2007-33

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE PROPERTY INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN ALL OR PORTION OF THE HEREINAFTER-DESCRIBED PARCEL DECLARING THE NECESSITY THEREFOR FOR THE PURPOSE OF MAKING AND REPAIRING ROADS THAT SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE FOR A TOTAL AMOUNT OF \$62,100.00 (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 11734 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 120-31-003 for ECTP Parcel Number 302T-SH-U from owner Joseph Londrico Sr. for the appraisal value amount of \$62,100.00 for the purpose of making and repairing roads that shall be open to the public without charge 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 \$62,100.00, 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 owner of the property 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.

WHEREAS, the Greater Cleveland Regional Transit Authority wishes to enter into a Purchase Agreement for the purchase of a permanent, temporary and utility easement with Joseph Londrico, Sr. in the amount of \$62,100.00.

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 1, which is incorporated herein by reference in 11734 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by Joseph Londrico, Sr. 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 interest in the land located at 11734 Euclid Avenue, Cleveland, Ohio, bearing Cuyahoga County Auditor's Permanent Parcel Number 120-31-003, for ECTP Parcel Number 302T-SH-U as set forth on the

attached drawing labeled Attachment B depicting the parcel owned by Joseph Londrico, Sr., which is incorporated herein by reference. This parcel shall hereinafter be referred to as the "Property".

Section 3. That the value of the interest in the Property is \$62,100.00. This amount is the value of the interests in the Property as determined by the property appraisal report and as approved by a Review Appraiser.

Section 4. That the Authority and the owner 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 Policy Act of 1970, as amended.

Section 5. That it is necessary and proper to declare an intent to appropriate the interest in this Property for the purpose of making and repairing roads that shall be open to the public without charge 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 owner 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.

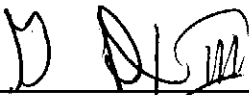
Section 7. That the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 303 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247-02 in the amount of \$38,812.50 and Capital Grant OH-90-X530-03 in the amount of \$23,287.50 for a total amount of \$62,100.00 (\$49,680.00 in Federal funds under Capital Grant OH-90-X530-03 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 (Attachment B)

Adopted: February 20, 2007



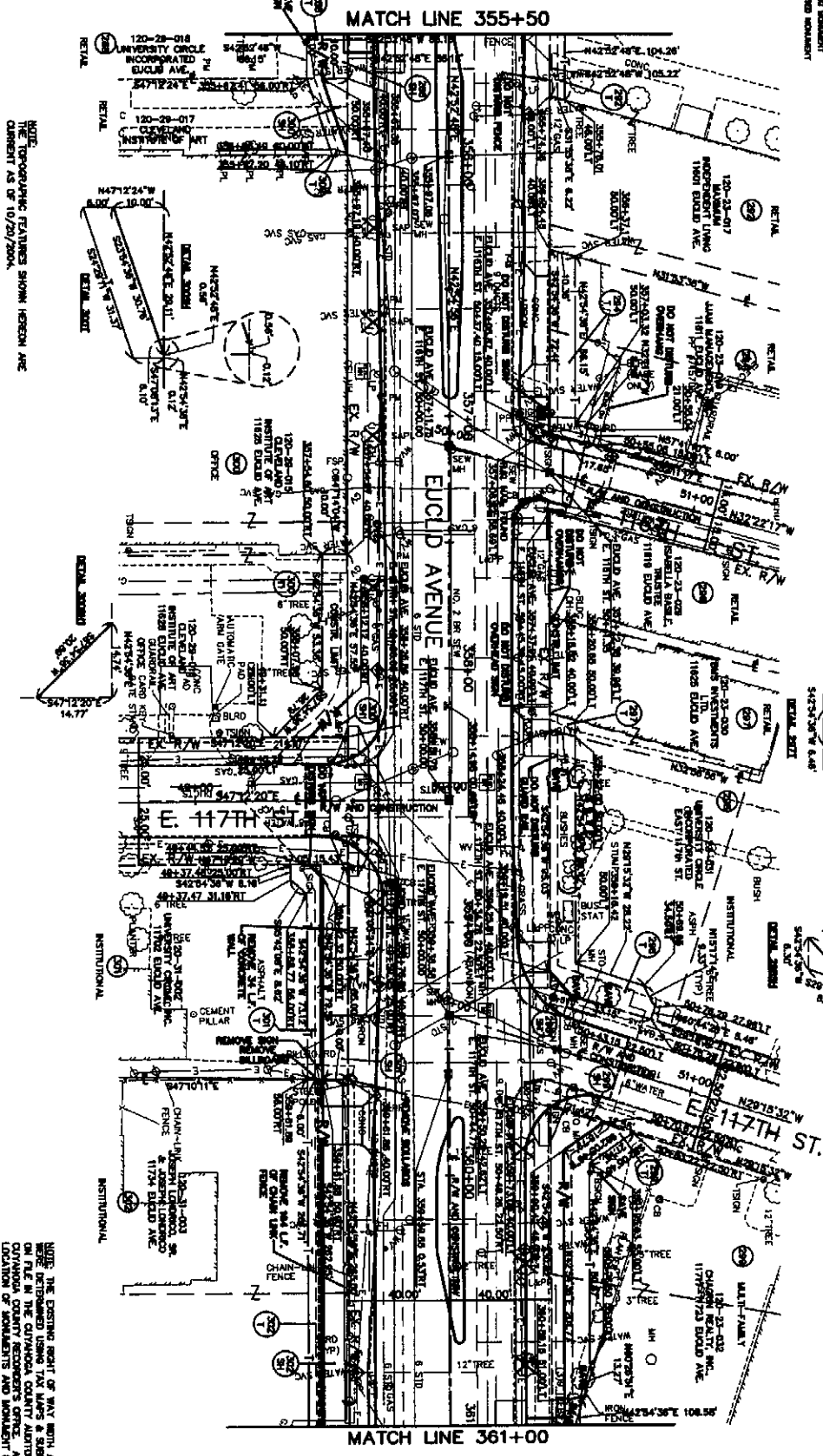
President

Attest: 

CEO, General Manager/Secretary-Treasurer

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

- MONUMENT LEGEND**
- █ ROAD ROW BY SET
 - █ ROAD ROW BY FRONT
 - █ ROAD ROW BY REAR
 - █ ROAD ROW BY SIDE
 - █ ROAD ROW BY CORNER
 - █ ROAD ROW BY CENTER
 - █ ROAD ROW BY FRONT AND REAR
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NOTE: TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 10/20/2004.

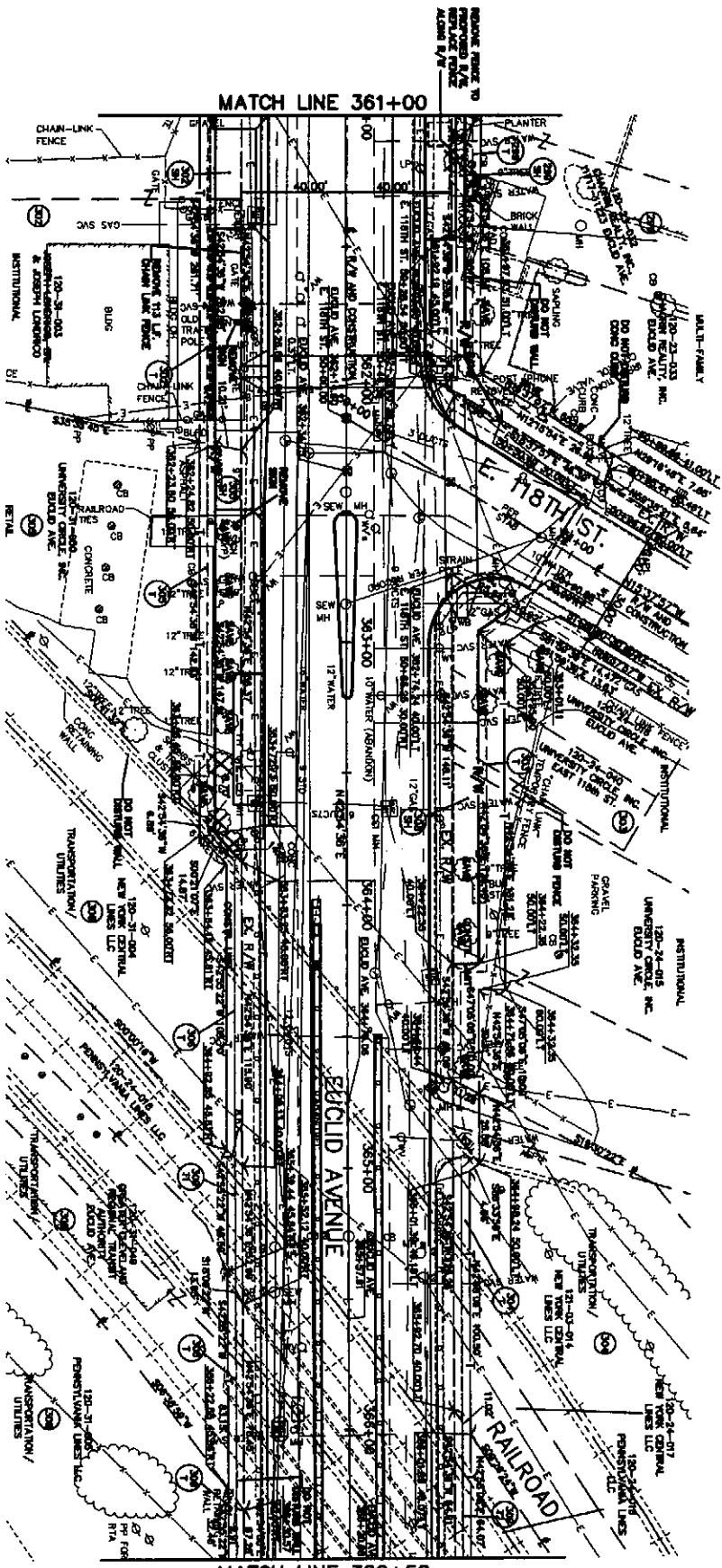
NOTE: THE EXISTING RIGHT OF WAY WITH AND LOCATION WERE EXTENDED USING TAX MAPS & SUBDIVISION PLATS ON FILE IN THE CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY RECORDS OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

1	GENERAL NOTES	SECTION BLOCK
2	GENERAL NOTES	SECTION BLOCK
3	GENERAL NOTES	SECTION BLOCK
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7	GENERAL NOTES	SECTION BLOCK

ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN	ROW PLAN
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BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04	BID PACKAGE 38 - C04

SHEET NO.	ROW PLAN	ROW PLAN
RW157	ROW PLAN	ROW PLAN
RW162	ROW PLAN	ROW PLAN
TOTAL SHEETS	38	OF 43

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

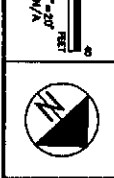


MATCH LINE 361+00

MATCH LINE 366+50

- MONUMENT LEGEND**
- 1. BLUE: RIGHT OF WAY
 - 2. GREEN: EXISTING RIGHT OF WAY
 - 3. RED: EXISTING RIGHT OF WAY
 - 4. BLACK: EXISTING RIGHT OF WAY
 - 5. BROWN: EXISTING RIGHT OF WAY
 - 6. PINK: EXISTING RIGHT OF WAY
 - 7. PURPLE: EXISTING RIGHT OF WAY
 - 8. YELLOW: EXISTING RIGHT OF WAY
 - 9. LIGHT BLUE: EXISTING RIGHT OF WAY
 - 10. LIGHT GREEN: EXISTING RIGHT OF WAY
 - 11. LIGHT RED: EXISTING RIGHT OF WAY
 - 12. LIGHT BROWN: EXISTING RIGHT OF WAY
 - 13. LIGHT PINK: EXISTING RIGHT OF WAY
 - 14. LIGHT PURPLE: EXISTING RIGHT OF WAY
 - 15. LIGHT YELLOW: EXISTING RIGHT OF WAY
 - 16. LIGHT LIGHT BLUE: EXISTING RIGHT OF WAY
 - 17. LIGHT LIGHT GREEN: EXISTING RIGHT OF WAY
 - 18. LIGHT LIGHT RED: EXISTING RIGHT OF WAY
 - 19. LIGHT LIGHT BROWN: EXISTING RIGHT OF WAY
 - 20. LIGHT LIGHT PINK: EXISTING RIGHT OF WAY
 - 21. LIGHT LIGHT PURPLE: EXISTING RIGHT OF WAY
 - 22. LIGHT LIGHT YELLOW: EXISTING RIGHT OF WAY
 - 23. LIGHT LIGHT LIGHT BLUE: EXISTING RIGHT OF WAY
 - 24. LIGHT LIGHT LIGHT GREEN: EXISTING RIGHT OF WAY
 - 25. LIGHT LIGHT LIGHT RED: EXISTING RIGHT OF WAY
 - 26. LIGHT LIGHT LIGHT BROWN: EXISTING RIGHT OF WAY
 - 27. LIGHT LIGHT LIGHT PINK: EXISTING RIGHT OF WAY
 - 28. LIGHT LIGHT LIGHT PURPLE: EXISTING RIGHT OF WAY
 - 29. LIGHT LIGHT LIGHT YELLOW: EXISTING RIGHT OF WAY
 - 30. LIGHT LIGHT LIGHT LIGHT BLUE: EXISTING RIGHT OF WAY
 - 31. LIGHT LIGHT LIGHT LIGHT GREEN: EXISTING RIGHT OF WAY
 - 32. LIGHT LIGHT LIGHT LIGHT RED: EXISTING RIGHT OF WAY
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 - 36. LIGHT LIGHT LIGHT LIGHT YELLOW: EXISTING RIGHT OF WAY
 - 37. LIGHT LIGHT LIGHT LIGHT LIGHT BLUE: EXISTING RIGHT OF WAY
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 - 39. LIGHT LIGHT LIGHT LIGHT LIGHT RED: EXISTING RIGHT OF WAY
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 - 42. LIGHT LIGHT LIGHT LIGHT LIGHT PURPLE: EXISTING RIGHT OF WAY
 - 43. LIGHT LIGHT LIGHT LIGHT LIGHT YELLOW: EXISTING RIGHT OF WAY
 - 44. LIGHT LIGHT LIGHT LIGHT LIGHT LIGHT BLUE: EXISTING RIGHT OF WAY
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 - 46. LIGHT LIGHT LIGHT LIGHT LIGHT LIGHT RED: EXISTING RIGHT OF WAY
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 - 49. LIGHT LIGHT LIGHT LIGHT LIGHT LIGHT PURPLE: EXISTING RIGHT OF WAY
 - 50. LIGHT LIGHT LIGHT LIGHT LIGHT LIGHT YELLOW: EXISTING RIGHT OF WAY

NO.	DESCRIPTION	DATE	BY	CHECKED
1	DESIGNED	10/20/2004		
2	DRAWN	10/20/2004		
3	CHECKED	10/20/2004		
4	APPROVED	10/20/2004		
5	REVISION			
6	REVISION			
7	REVISION			

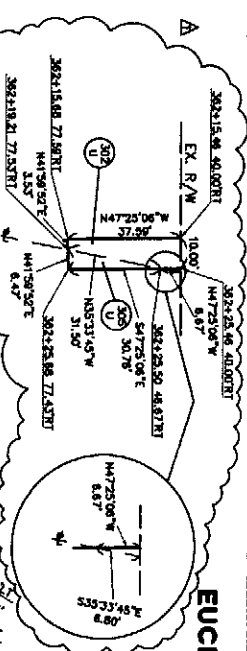
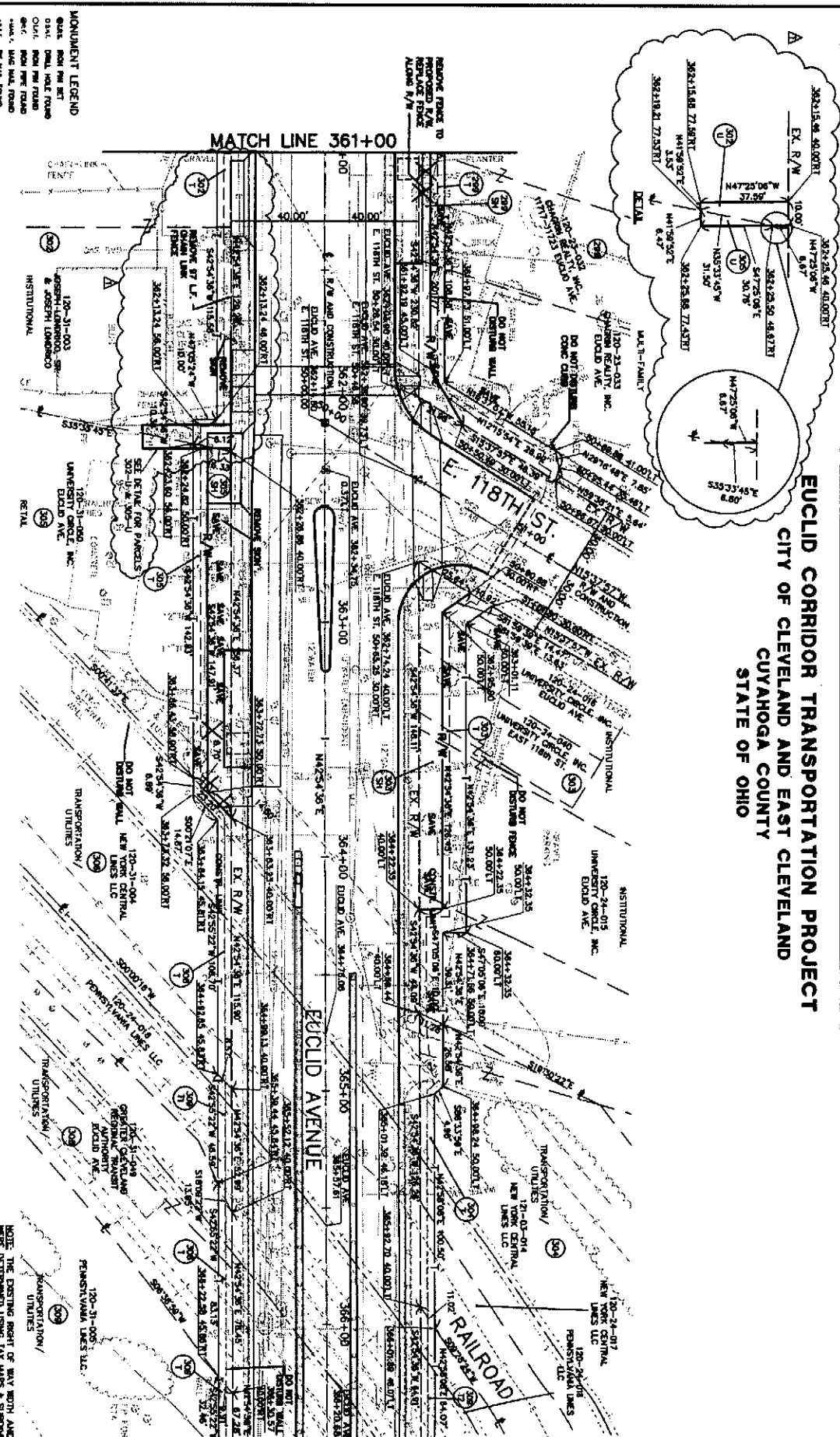


ROW PLAN
 EUCLID AVENUE
 STA. 361+00 TO STA. 366+50
 BID PACKAGE 38 - C04

SHEET NO.	TOTAL SHEETS
RW158	40 OF 45
RW162	

NOTE: THE EXISTING RIGHT OF WAY BOUNDARY AND LOCATION WERE DETERMINED USING THE MAPS & SURVEYOR PLATS ON FILE IN THE CUYAHOGA COUNTY ADJUTANT'S OFFICE AND CUYAHOGA COUNTY RECORDED'S OFFICE. ALSO, FIELD LOCATIONS 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



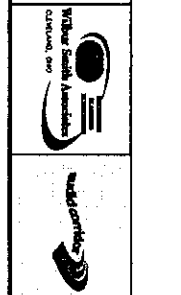
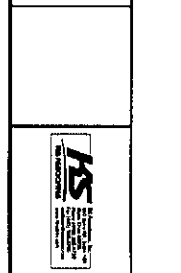
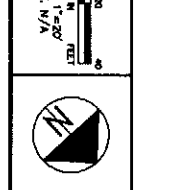
MONUMENT LEGEND

- 1 8/8/08 ROW ADDRESS NO. 3
- 2 8/8/08 ROW ADDRESS NO. 3
- 3 8/8/08 ROW ADDRESS NO. 3
- 4 8/8/08 ROW ADDRESS NO. 3
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- 7 8/8/08 ROW ADDRESS NO. 3

MONUMENT LEGEND

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- 6 8/8/08 ROW ADDRESS NO. 3
- 7 8/8/08 ROW ADDRESS NO. 3

NOTE: THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CENSUSED AS OF 10/20/2004.



ROW PLAN

EUCLID AVENUE

STA. 361+00 TO STA. 366+50

BID PACKAGE 38 - C04

SHEET NO. RW156

TOTAL SHEETS 40 OF 43

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.

ATTACHMENT A

Page 1 of 1

RX250
Rev. 04/03

PID	302T
PARCEL	
CTY-RTE-SEC	GCRTA-PROJ.38-CO4
Version Date	January 27, 2005

**PARCEL 302-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 part of Sublot Nos. 4, 5, and 6 in Marcus E. Cozad and Sarah L. Cozad's Re-Allotment as recorded in Volume 9 Page 28 of Cuyahoga County Plat Records, and part of Original One Hundred Acre Lot Nos. 395, 396, 403, and 404, and a part of the lands conveyed to Joseph Londrico Sr. and Joseph Londrico by Volume 97-2636 Page 41 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 grantor's southerly line at 56.00 feet right of centerline of right of way and construction of Euclid Avenue Station 359+61.89;

- 1) Thence along said southerly line North 47° 10' 11" West, 6.00 feet to a point 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 359+61.88;
- 2) Thence leaving said southerly line North 42° 54' 36" East, 262.95 feet to a point on the southerly line of lands conveyed to University Circle, Inc. by Volume 11676 Page 673 on file in the Cuyahoga County Recorder's Office at 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+24.82;
- 3) Thence along said southerly line of University Circle, Inc. South 35° 33' 45" East, 6.12 feet to a point 56.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+23.60;
- 4) Thence leaving said southerly line of University Circle, Inc. South 42° 54' 36" West, 261.71 feet to the point of beginning.

Containing within said bounds 0.0361 acres of land in Parcel 120-31-003.

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:

1/29/05

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



RX 270
Rev. 04/03

PID
PARCEL 302SH
CTY-RTE-SEC GCRTA-PROJ. 38-CO4
Version Date January 27, 2005

**PARCEL 302-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 part of Sublot Nos. 4, 5, and 6 in Marcus E. Cozad and Sarah L. Cozad's Re-Allotment as recorded in Volume 9 Page 28 of Cuyahoga County Plat Records, and part of Original One Hundred Acre Lot Nos. 395, 396, 403, and 404, and a part of the lands conveyed to Joseph Londrico Sr. and Joseph Londrico by Volume 97-2636 Page 41 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 on the southerly line of lands conveyed to Joseph Londrico Sr. and Joseph Londrico by Volume 97-2636 Page 41 on file in the Cuyahoga County Recorder's Office at 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 359+61.88;

- 1) Thence along said southerly line North 47° 10' 11" West, 10.00 feet to the grantor's southwesterly corner on the easterly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 359+61.86;
- 2) Thence leaving said southerly line and along said easterly right of way North 42° 54' 36" East, 265.00 feet to a point on the southerly line of lands conveyed to University Circle, Inc. by Volume 11676 Page 673 on file in the Cuyahoga County Recorder's Office at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+26.86;
- 3) Thence leaving said easterly right of way and along said southerly line of University Circle Inc. South 35° 33' 45" East, 10.21 feet a point 50.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+24.82;
- 4) Thence leaving said southerly line of University Circle, Inc. South 42° 54' 36" West, 262.95 feet to the point of beginning.

Containing within said bounds 0.0606 acres of land in parcel 120-31-003.

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:

1/28/05

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



ATTACHMENT A

Page 1 of 1

RX282
Rev09/03

PID
PARCEL 302U
CTY-RTE-SEC GCRTA-PROJ.38-CO4
Version Date June 8, 2006

**PARCEL 302-U
GCRTA-PROJ.38-CO4
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF CLEVELAND PUBLIC POWER**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and part of Sublot Nos. 4, 5, and 6 in Marcus E. Cozad and Sarah L. Cozad's Re-Allotment as recorded in Volume 9 Page 28 of Cuyahoga County Plat Records, and part of Original One Hundred Acre Lot Nos. 395, 396, 403, and 404, and a part of the lands conveyed to Joseph Londrico Sr. and Joseph Londrico by Volume 97-2636 Page 41 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 at the northeast corner of the grantor and on the easterly right of way line of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+26.86;

Thence along the northerly line of the grantor, South 35° 33' 45" East, 6.80 feet to the **True Point of Beginning** for the easement herein described at 46.67 feet right of centerline of right of way and construction of Euclid Avenue Station 362+25.50;

- 1) Thence continuing along said line, South 35° 33' 45" East, 31.50 feet to a point 77.53 feet right of centerline of right of way and construction of Euclid Avenue Station 362+19.21;
- 2) Thence leaving said line South 41° 59' 52" West, 3.53 feet to a point 77.59 feet right of centerline of right of way and construction of Euclid Avenue Station 362+15.68;
- 3) Thence North 47° 25' 06" West, 37.59 feet to a point on the easterly right of way line of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+15.46;
- 4) Thence along said right of way line, North 42° 54' 36" East, 10.00 feet to a point 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362+25.46;
- 5) Thence leaving said right of way, South 47° 25' 06" East, 6.67 feet to the point of beginning.

Containing within said bounds 0.0063 acres of land in Parcel 120-31-003.

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:

6/8/06

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



Attachment B

ROW Parcel Number	County Auditor's Permanent Parcel Number	Bid Package	Owner	Acquisition Action	Fee Simple Gross Take (Acres)	Permanent Easement Gross Take (Acres)	Temporary Easement Gross Take (Acres)	Utility Easement Gross Take (Acres)
302SH	120-31-003	C04	Joseph Londrigo, Sr	Permanent Easement	0.0000	0.0606	0.0000	0.0000
302T	120-31-003	C04	Joseph Londrigo, Sr	Temporary Easement	0.0000	0.0000	0.0361	0.0000
302U	120-31-003	C04	Joseph Londrigo, Sr	Utility Easement	0.0000	0.0000	0.0000	0.0063



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 PORTION OF THE HEREINAFTER-DESCRIBED PARCEL DECLARING THE NECESSITY THEREFOR FOR THE PURPOSE OF MAKING AND REPAIRING ROADS THAT SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE FOR A TOTAL AMOUNT OF \$62,100.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-33
	Date: February 15, 2007
	Initiator: Euclid Corridor Transportation Project
ACTION REQUEST: <input checked="" 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:** This property is vital for right-of-way needed for the third phase of construction of the Euclid Corridor Transportation Project. This site 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 owner after fair negotiating for a minimum of 45 days, eminent domain proceedings may be initiated. Construction is anticipated to commence in Spring 2007.
- 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 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. 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-03-0247-02 line item 13.75.91 in the amount of \$38,812.50, and Capital Grant OH-90-X530-03 in the amount line item 13.75.91 in the amount of \$23,287.50, for a total amount of \$62,100.00 (\$49,680.00 in Federal funds which represent 80% of the total cost). Federal funds under Capital Grant OH-90-X530-03 are made available through the Ohio Department of Transportation. The amount authorized by the resolution is the appraised value of the property. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report.

- 7.0 **ALTERNATIVES:** There are no viable alternatives to purchasing this property because the right-of-way needs for the project require this acquisition. 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:** The Board of Trustees Planning and Development Committee reviewed this property acquisition at the January 9, 2007 meeting and recommended that the staff make additional efforts to complete negotiations. Further negotiations since January 9, 2007 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