

RESOLUTION NO. 2008-80

AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO ENTER INTO AN AGREEMENT WITH UNIVERSITY CIRCLE, INC. AND Z&M TRIANGLE PARTNERS FOR THE RECONFIGURATION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT BETWEEN MAYFIELD ROAD AND EAST 115TH STREET

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) is constructing the Euclid Corridor Transportation Project (ECTP); and

WHEREAS, as part of the ECTP, the GCRTA is reconstructing the utilities, drainage, roadway, lighting, landscaping, and transit facilities between Mayfield Road and East 115th Street; and

WHEREAS, University Circle, Inc, and Z&M Triangle Partners desires to have the ECTP contractors reconfigure the curbs, sidewalks, and crosswalk between Mayfield Road and East 115th Street; and

WHEREAS, the GCRTA desires having its ECTP contractors perform the reconfiguration work at Z&M Triangle Partners cost.

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

Section 1. That the Board of Trustees of the GCRTA hereby authorizes entering into an Agreement with University Circle, Inc. and Z&M Triangle Partners for the reconfiguration of Euclid Avenue between Mayfield Road and East 115th Street. Said work shall be considered Non-FFGA work and will be performed as change orders to ECTP construction contracts C-04 and C-05B and shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project budget including, but not limited to, 100% local funds.

Section 2. That the General Manager/Secretary-Treasurer is authorized to enter into an Agreement substantially in the form attached to this Resolution in an amount not to exceed thirty six thousand and 00/100 dollars (\$36,000.00).

Section 3. That the remaining terms of said Agreement shall be as is agreed to by the parties, as is permitted by State and Federal law, in accordance with this Board's policies and all other regulations governing the conduct of the GCRTA.

Section 4. That the Board of Trustees of the GCRTA hereby authorizes the General Manager/Secretary-Treasurer to execute Change Orders to ECTP construction contracts C-04 and C-05B in a total sum not to exceed thirty six thousand and 00/100 dollars (\$36,000.00) for the reconfiguration of Euclid Avenue between Mayfield Road and East 115th.

Section 5. That the General Manager/Secretary-Treasurer is hereby authorized to accept payment from Z&M Triangle Partners in a total sum equal to sums paid to GCRTA contractors for the reconfiguration of Euclid Avenue between Mayfield and East 115th Street, which sums are to be deposited to GCRTA Development Fund, Euclid Corridor Transportation Project budget.

Section 6. That said contracts shall continue to be binding upon and obligations of the GCRTA contingent upon funding for future years; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2008-61; bonding and insurance requirements, and all applicable laws related to contractual obligations of the Authority.

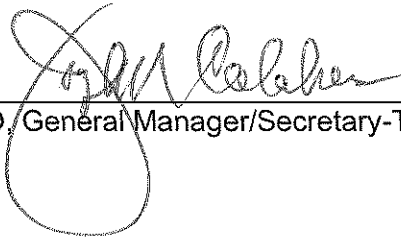
Section 7. That this resolution shall become effective immediately upon its adoption.

Attachment: Agreement between GCRTA, University Circle, Inc. and Z&M Triangle Partners

Adopted: May 20, 2008



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Z&M Triangle Partners, LLC

May 15, 2008

This letter is to outline an agreement between the Greater Cleveland Regional Transit Authority ("RTA"), University Circle Inc. ("UCI") and Z & M Triangle Partners, LLC ("Z&M") (together the "Parties"). In February 2008 Z&M had requested RTA to modify their layout and design for a section of Euclid Avenue between Mayfield Road and East 115th Street in Cleveland, Ohio as illustrated in Exhibit A (the "Modification Area"). As the neighborhood stakeholder UCI had agreed to assist in facilitating the review and implementation of any modifications to RTA's Euclid Corridor Transportation project in coordination with Z&M's Uptown development project.

The Parties have agreed to specific alterations to the layout and design of the Modification Area the cost of which is estimated at between \$27,000 to approximately \$36,000. The agreed-upon design alterations to the Modification Area are further defined in Section 1 below. The Parties also acknowledge the responsibilities of each party further defined in Section 2 of this Agreement.

Section 1: Approved Modifications

The Parties agree to the Euclid Avenue layout and design as depicted on the attached Exhibit B.

Section 2: Duties and Responsibilities

RTA shall:

- a. Direct its contractors and subcontractors to perform the work according to the agreed upon layout design and specifications referenced in Section 1.
- b. Not be responsible for purchasing or planting trees on the north and south tree-lawns in the Modification Area. The amount of cost savings, estimated at \$21,556, shall be directed to paying for the additional construction costs associated with the approved alterations to the Modification Area as referenced in Section 1.
- c. Aside from the tree-lawn trees, be responsible for installing all other infrastructure and streetscape items identified in their original layout and specifications, including but not limited to: center-median trees, tree-lawn tree pits, irrigation systems and all other design items not addressed in this letter.
- d. Present the terms of this agreement to its Board of Trustees on or before May 20, 2008 for ratification and authorization to enter into a binding agreement.

UCI shall:

- a. Purchase and install an estimated 37 trees along the north and south tree-lawns along Euclid Avenue per the approved plan referenced in Section 1.
- b. Install the trees by September 30, 2008 unless construction of Z & M's development project is imminent.

Z&M shall:

- a. Define and agree to the excess costs of the approved alterations to the Modification Area as referenced in Section 1 prior to construction of the improvements.
- b. Pay for the excess costs arising out of the alterations to the Modification Area that cannot be paid by UCI through the purchase and installation of the tree-lawn trees.

This letter agreement is nonbinding and constitutes simply a statement of the mutual intentions of the Parties and does not contain all matters upon which agreement must be reached for the transaction described herein to be consummated. A binding agreement with respect to such transaction will result only from approval of the Board of Trustees for RTA and the execution of a development agreement.

ACKNOWLEDGED AND AGREED TO:

Greater Cleveland Regional Transit Authority

By: Joseph A. Calabrese Date
Its: CEO General Manager/Secretary-Treasurer

University Circle Inc.

By: Chris Ronayne Date
Its: President

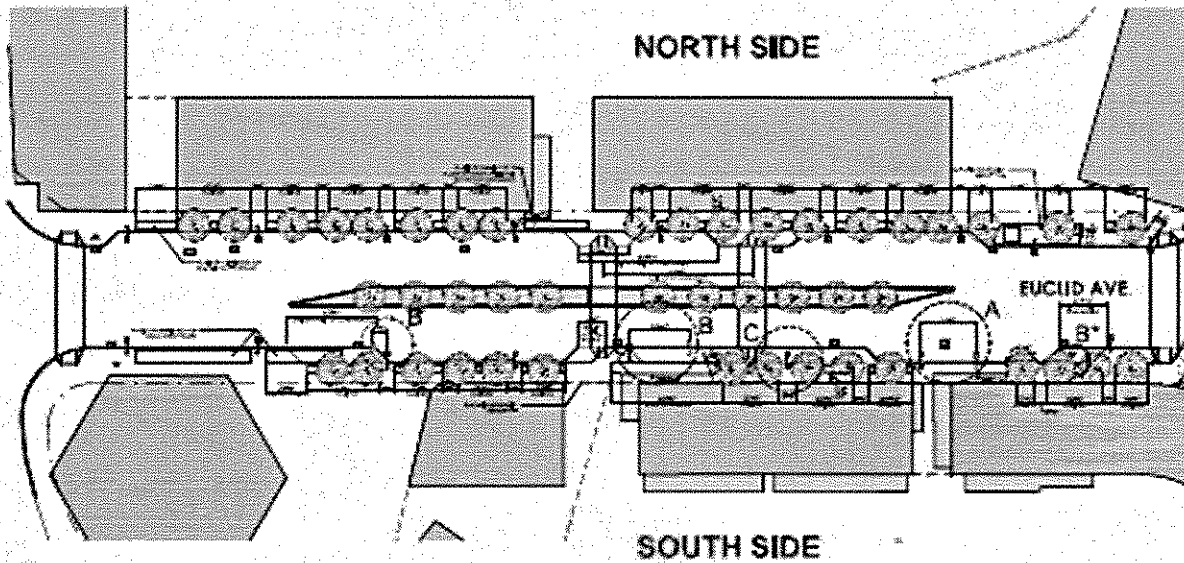
Z&M Triangle Partners, LLC

By: Nathan Zaremba Date
Its: Partner

By: Ari Maron Date
Its: Partner

EXHIBIT A

Existing Layout With Proposed Modification Overlay



KEY	
NOTATION	EXPLANATION
A	Overlaid with proposed driving areas and required 6'-0" unobstructed clearance for downing
B	Area rejected due to proposed curb cut (SR device for hydrant)
C	Needy proposed light fixture
(Circle)	Denotes areas of proposed light fixture (A), fire hydrant (B) and new light fixture (C)

* RED LINES INDICATE ORIGINAL RTA LAYOUT

- ORIGINAL STREET LIGHT
- REMOVED STREET LIGHT
- REMOVED CURB / MEDIAN / CROSSWALK
- ORIGINAL FIRE HYDRANT
- PROPOSED STREET LIGHT
- OUTDOOR DINING OPPORTUNITY

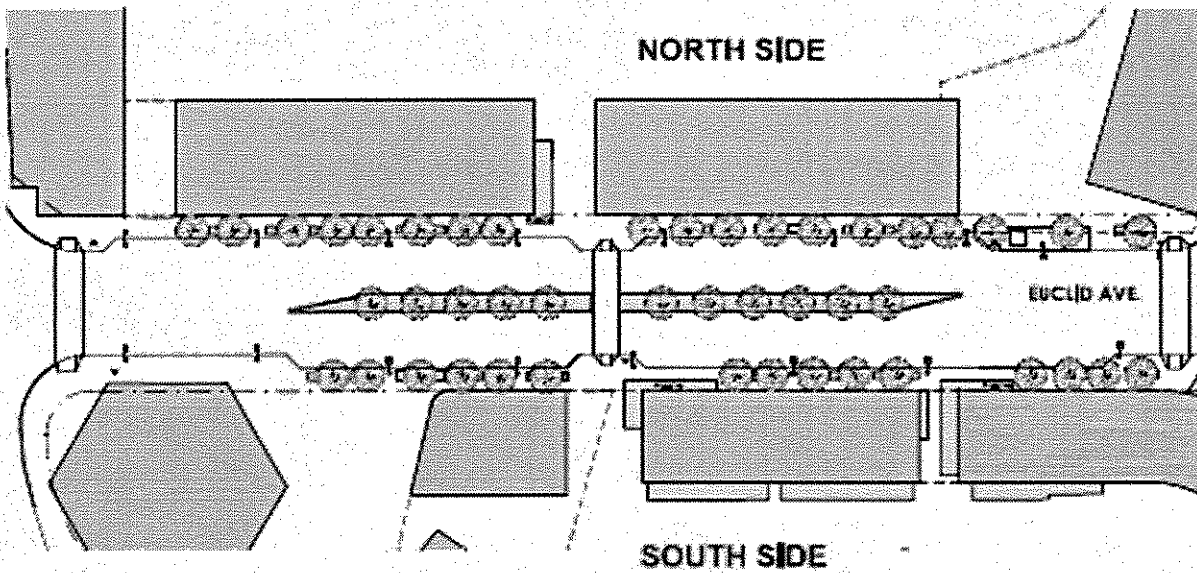


ECTP @ UARD

PROPOSED LAYOUT REVISIONS WITH ORIGINAL RTA LAYOUT

MARCH 25, 2018

Exhibit B
Agreed Layout



- FIRE HYDRANT
- PROPOSED STREET LIGHT
- SIDEWALK AND OPEN SPACE



ECTP @ UARD
PROPOSED LAYOUT REVISIONS
MARCH 28, 2028



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO ENTER INTO AN AGREEMENT WITH UNIVERSITY CIRCLE, INC. AND Z&M TRIANGLE PARTNERS FOR THE RECONFIGURATION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT BETWEEN MAYFIELD ROAD AND EAST 115 TH STREET	Resolution No.: 2008-80
	Date: May 15, 2008
	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: This resolution authorizes the General Manager/Secretary-Treasurer to execute an Agreement with University Circle, Inc. and Z&M Triangle Partners for the revised street layout between Mayfield Road and East 115th Street.
- 2.0 DESCRIPTION/JUSTIFICATION: University Circle, Inc. and Z&M Triangle Partners are in the planning process to redevelop both sides of Euclid Avenue between Mayfield Road and East 115th Street. The buildings they are planning require a slight revision to the curbs, sidewalks and crosswalk in the original design of the ECTP project. Doing the work at this time will reduce disruption to BRT service during the construction of the project in 2009 and 2010.
- 3.0 PROCUREMENT BACKGROUND: Does Not Apply
- 4.0 DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Does not apply
- 6.0 ECONOMIC IMPACT: GCRTA will construct the revised street layout through Change Orders to existing ECTP C-04 and C-05B contracts up to a total of \$36,000. Said work shall be considered Non-FFGA work and shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project budget including, but not limited to, 100% local funds in a total sum not to exceed thirty six thousand dollars (\$36,000). Z&M Triangle Partners will reimburse GCRTA for the construction costs.
- 7.0 ALTERNATIVES: The GCRTA could construct the project with the original design with the developer doing the work at a later date at a higher cost and with some disruption to BRT service during the construction.
- 8.0 RECOMMENDATION: The Planning and Development Committee of the Board of Trustees was briefed on this action at the May 13, 2008 meeting with the staff recommending approval.
- 9.0 ATTACHMENTS: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer