

RESOLUTION NO. 2009-73

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A PURCHASE AGREEMENT IN THE AMOUNT OF \$12,700.00 TO ACQUIRE A PORTION OF CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 122-23-006, 122-23-007, AND 122-23-010 WHICH ARE LOCATED AT 2480 BROADWAY AVENUE IN CLEVELAND, OHIO (COLLECTIVELY, THE "PROPERTY") FOR THE CONSTRUCTION OF A CUL-DE-SAC AT THE TERMINUS OF BROADWAY AVENUE AS REQUIRED BY THE CITY OF CLEVELAND FOR THE ROCKEFELLER BRIDGE DEMOLITION PROJECT AND TO TRANSFER THE PROPERTY TO THE CITY OF CLEVELAND AT THE COMPLETION OF THE PROJECT (RTA DEVELOPMENT FUND, PROGRAMMING AND PLANNING DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority requires property acquisition for the Rockefeller Bridge Demolition (Project 29E) to construct a cul-de-sac at the terminus of Broadway Avenue as required by the City of Cleveland; and

WHEREAS, Terrence B. McCarthy is the owner of approximately 0.251 acres of land known for street numbering purposes as 2480 Broadway Avenue, Cleveland, Permanent Parcel Number 122-23-006, 122-23-007, and 122-23-010; and

WHEREAS, the Authority wishes to acquire and Mr. McCarthy wishes to sell 0.067 acres in fee simple and 0.026 acres as a temporary construction easement for the total purchase price of Twelve Thousand Seven Hundred Dollars (\$12,700.00); and

WHEREAS, after demolition of the Rockefeller Bridge and the construction of the cul-de-sac, the Authority's fee simple interest in this land will transfer to the City of Cleveland at no cost to the City upon approval of the City of Cleveland.

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 Purchase Agreement for the Property and all other documents required to acquire and to transfer this Property to the Authority as well as transfer the fee simple interest to the City of Cleveland upon completion of this project.

Section 2. That the total Purchase Price of Twelve Thousand Seven Hundred Dollars (\$12,700.00) is an administrative settlement based upon the fair market value of the Property as determined by the property appraisal report and approved by a Review Appraiser and is within the negotiating authority authorized by the Federal Transit Administration.

Section 3. That the Purchase Price is payable from the RTA Development Fund, Programming and Planning Department Budget, including but not limited to one hundred percent (100%) local funds in the amount of Twelve Thousand Seven Hundred Dollars (\$12,700.00).

Section 4. That the execution of the Purchase Agreement and the acquisition of the Property are necessary to carry out the Rockefeller Bridge Demolition Project.

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

Attachment: Map and Legal Description (Attachment A)

Adopted: August 18, 2009



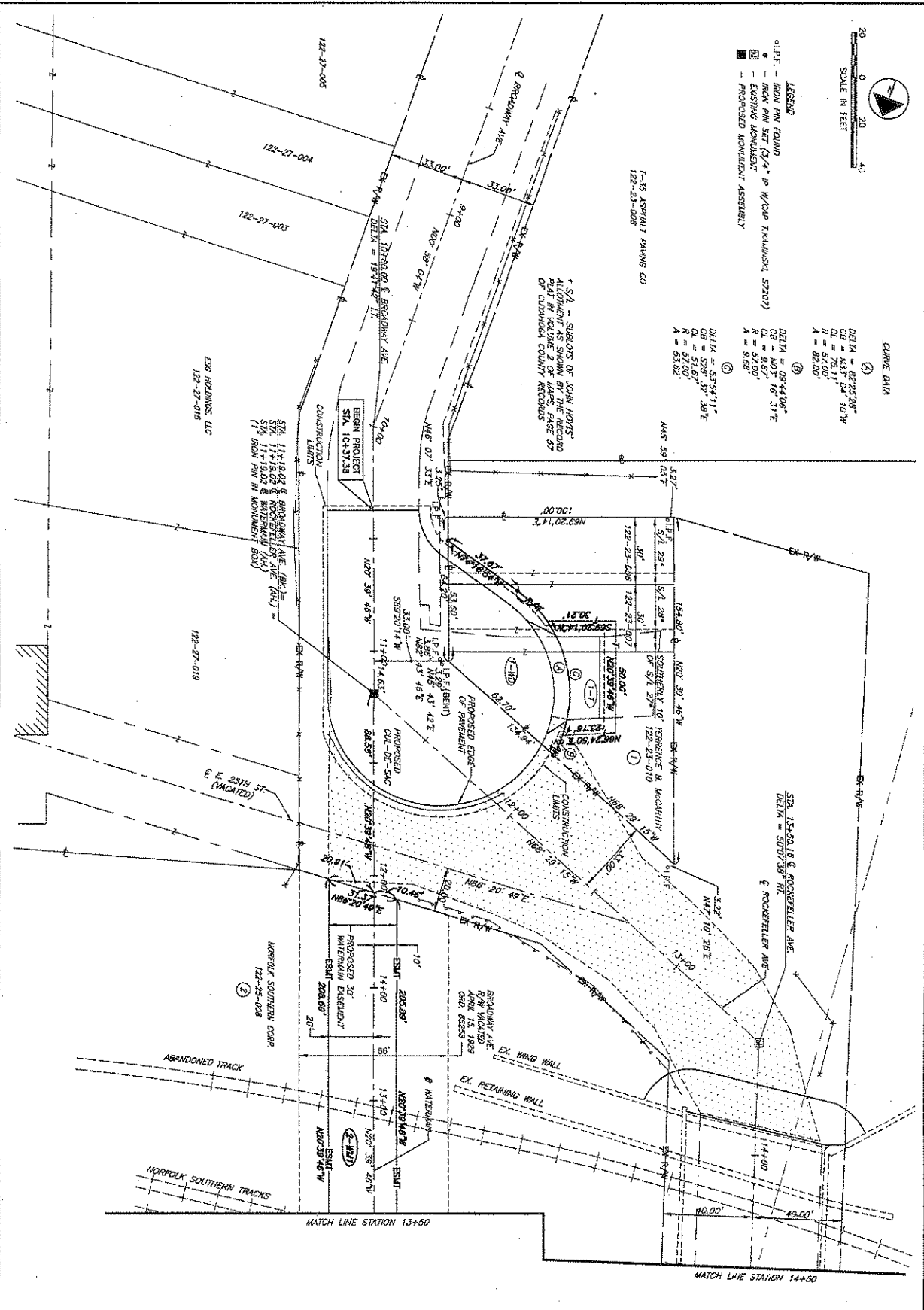
President

Attest: 

CEO, General Manager/Secretary-Treasurer

Attachment A

122-23-006 122-27-018 122-27-019 122-27-020 122-27-021 122-27-022 122-27-023 122-27-024 122-27-025 122-27-026 122-27-027 122-27-028 122-27-029 122-27-030 122-27-031 122-27-032 122-27-033 122-27-034 122-27-035 122-27-036 122-27-037 122-27-038 122-27-039 122-27-040 122-27-041 122-27-042 122-27-043 122-27-044 122-27-045 122-27-046 122-27-047 122-27-048 122-27-049 122-27-050 122-27-051 122-27-052 122-27-053 122-27-054 122-27-055 122-27-056 122-27-057 122-27-058 122-27-059 122-27-060 122-27-061 122-27-062 122-27-063 122-27-064 122-27-065 122-27-066 122-27-067 122-27-068 122-27-069 122-27-070 122-27-071 122-27-072 122-27-073 122-27-074 122-27-075 122-27-076 122-27-077 122-27-078 122-27-079 122-27-080 122-27-081 122-27-082 122-27-083 122-27-084 122-27-085 122-27-086 122-27-087 122-27-088 122-27-089 122-27-090 122-27-091 122-27-092 122-27-093 122-27-094 122-27-095 122-27-096 122-27-097 122-27-098 122-27-099 122-27-100



CURVE DATA

① DELTA = 82°23'28"
 CS = 76.11'
 CL = 74.14'
 R = 57.00'
 A = 82.00'

② DELTA = 92°44'08"
 CS = 101.46'
 CL = 96.57'
 R = 57.00'
 A = 82.00'

③ DELTA = 53°54'11"
 CS = 528.32'
 CL = 516.67'
 R = 57.00'
 A = 53.00'

LEGEND

o P.F. - NON F.W. FOUND
 * - NON F.W. SET (3/4" P W/ CAP TYPICAL, 57207)
 - EXISTING MONUMENT
 - PROPOSED MONUMENT ASSEMBLY

SHEET 39/40	RIGHT OF WAY DETAIL SHEET	SECTIONS - SHEET ON WHICH DETAIL IS OUT - SHEET ON WHICH DETAIL APPEARS - SECTION ON DETAIL NO.	GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	EUTHENICS INC. CONSULTING ENGINEERS CLEVELAND, OHIO	DRAWN: CGP	REVISIONS:
	CHECKED: ARP	SECTION ON WHICH DETAIL IS OUT			DATE: 10/2/2007	JOB NO.: 736
	APPROVED: RAB	SECTION ON WHICH DETAIL APPEARS -			JOB NO.: 736	JOB NO.: 736
	SHEET 39/40	SECTION ON WHICH DETAIL APPEARS -			JOB NO.: 736	JOB NO.: 736

PARCEL NO.	OWNER	SHEET NO.	OWNER'S RECORD BOOK PAGE	AUDITOR'S PARCEL	RECORD AREA(A.C)	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUCTURE	NET RESIDUE LEFT	NET RESIDUE RIGHT	TYPE FUND	REMARKS AND PERSONALITY	AS ACQUIRED PAGE
1-102	TERRENCE B. MCCARTHY	39	97-13289	122-23-006	0.068*	0.000	0.026	0.000	0.006	No	0.063	0.041		THE RECORD AREA PER CUYAHOGA COUNTY RECORDER'S OFFICE IS 10,834 SQUARE FEET FOR THE TOTAL OF PARCELS 122-23-006 122-23-007 AND 122-23-010	
	GRAND TOTAL		94-11874	122-23-070	0.133*	0.000	0.033	0.000	0.033		0.000	0.184			
1-1		30			0.251	0.000	0.067	0.000	0.067					FOR GRADING AND TO CONSTRUCT A DRIVEWAY	
2-101	WORLEK SOUTHERN CORPORATION	38		122-25-008		0.143	0.143	0.000	0.143	No				FOR INSTALLATION AND MAINTENANCE OF A WATER MAIN	
2-102	(BY MERGER - 10-16-1964)	39		122-24-009		0.028	0.028	0.000	0.028	No				FOR INSTALLATION AND MAINTENANCE OF A WATER MAIN	
	GRAND TOTAL					0.221	0.221	0.000	0.221						
3-101	GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	39	85551	122-24-011		0.192	0.192	0.000	0.162	No				FOR INSTALLATION AND MAINTENANCE OF A WATER MAIN	

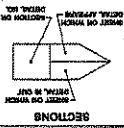
NET RESIDUE = RECORD AREA - TOTAL P.R.O. - NET TAKE
ALL AREAS ARE IN ACRES

TOTAL NUMBER OF:
 0 OWNERSHIPS
 0 TOTAL PARCELS WITH STRUCTURES INCLUDED
 0 OWNERSHIPS WITH PERSONALITY ITEMS

* THE RECORD AREA FOR INDIVIDUAL PARCELS HAVE BEEN CALCULATED

NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.

SUMMARY OF ADDITIONAL
RIGHT OF WAY
DEMOLITION OF
ROCKEFELLER AVENUE
BRIDGE



EUTHEMETS INC.
CONSULTING ENGINEERS
CLEVELAND, OHIO

DRAWN: _____
 CHECKED: CCF
 APPROVED: RMB
 DATE: 10/2/2007
 JOB NO.: 738

**PARCEL 1-WD
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

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).

[Surveyor's description of the premises follows]

Being a parcel of land lying on the left side of the centerline of right of way of Broadway Avenue made by the Greater Cleveland Regional Transit Authority, recorded in Instrument Number _____ of the records of Cuyahoga County Recorder's Plat Records and being located within the following described points in the boundary thereof:

Being a part of Sublot Numbers 25,26,27,28 and 29 in the John Hoyt Allotment and part of the Original Lot Number 268 as shown in the recorded plat in Volume 2 of Maps, Page 57 of the Cuyahoga County Records, State of Ohio and more particularly bounded and described as follows:

Commencing for reference at a 1" iron pin monument at the intersection of the centerline of Broadway Avenue (66 feet wide) and the centerline of Rockefeller Avenue, thence S 20° 39' 46" E along the centerline of Broadway Avenue a distance of 14.63 feet to a point; thence S 69° 20' 14" W a distance of 33.00 feet to the Grantors northeasterly property corner, said property corner referenced by a bent iron pin found N 45° 43' 42" E at a distance of 3.29 feet and an iron pin found N 82° 43' 46" E at a distance of 3.86 feet, said property corner also being the intersection of the westerly right of way line of Broadway Avenue and the southerly right of way line of Rockefeller Avenue and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following the Grantor's easterly property line, the westerly right of way line of Broadway Avenue and the easterly line of said Sublots 27, 28 and 29, S 20° 39'46" E a distance of 53.60 feet to an iron pin set;
2. thence, N 74° 16' 54" W a distance of 37.67 feet to an iron pin set at a point of curvature;
3. thence, following an arc of a curve to the right having a radius of 57.00 feet, a chord bearing N 33° 04' 10" W, a chord length of 75.11 feet and an arc length of 82.00 feet to an iron pin set on the Grantor's northerly property line and the southerly right of way line of Rockefeller Avenue;
4. thence, following the Grantor's northerly property line and the southerly right of way line of Rockefeller Avenue S 68° 29' 15" E, a distance of 62.70 feet to the TRUE PLACE OF BEGINNING and containing 0.067 acres and subject to all legal highways.

Auditor's Number 122-23-006		
Gross Take	=	0.006 acre
Present Road Occupies	=	<u>0.000</u> acre
Net Take	=	0.006 acre

Attachment A

PARCEL
CTY-RTE
Version Date

1-WD
Broadway Ave.
11/12/07

Auditor's Number 122-23-007

Gross Take = 0.028 acre
Present Road Occupies = 0.000 acre
Net Take = 0.028 acre

Auditor's Number 122-23-010

Gross Take = 0.033 acre
Present Road Occupies = 0.000 acre
Net Take = 0.033 acre

The above described tract is a portion of Auditor's Parcel Nos. 122-23-006, 122-23-007 and 122-23-010 carried on the tax maps as 10,934 square feet (0.251 acre).

Grantor claims title to Auditor's Parcel Nos. 122-23-006 and 122-23-007 by instrument of record in Volume 97-13299, Page 54 of the Cuyahoga County Recorders Office and to Auditor's Parcel No. 122-23-010 by instrument of record in Volume 94-11874, Page 50 of the Cuyahoga County Recorders Office.

The bearings contained herein are to an assumed meridian and are use to delineate angles only.

This legal description was prepared under the supervision of Richard S. Wasosky, P.E., P.S., Registered Surveyor No. 8217, and is based on a survey made by Euthenics, Inc., in September 2007 for the Greater Cleveland Regional Transit Authority.

**PARCEL 1-T
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING OPERATIONS AND TO CONSTRUCT A DRIVEWAY
FOR APPROXIMATELY 18 MONTHS FROM DATE OF ENTRY BY THE CITY OF
CLEVELAND, OHIO**

[Surveyor's description of the premises follows]

Being a parcel of land lying on the left side of the centerline of right of way of Broadway Avenue made by the Greater Cleveland Regional Transit Authority, recorded in Instrument Number _____ of the records of Cuyahoga County Recorder's Plat Records and being located within the following described points in the boundary thereof:

Being a part of Sublot Numbers 26, 27 and 28 of the John Hoyt Allotment and part of the Original Lot Number 268 as shown in the recorded plat in Volume 2 of Maps, Page 57 of the Cuyahoga County Records, State of Ohio and more particularly bounded and described as follows:

Commencing for reference at a 1" iron pin monument at the intersection of the centerline of Broadway Avenue (66 feet wide) and the centerline of Rockefeller Avenue, thence S 20° 39' 46" E along the centerline of Broadway Avenue a distance of 14.63 feet to a point; thence S 69° 20' 14" W a distance of 33.00 feet to the Grantors northeasterly property corner, said property corner referenced by a bent iron pin found N 45° 43' 42" E at a distance of 3.29 feet and an iron pin found N 82° 43' 46" E at a distance of 3.86 feet, said property corner also being the intersection of the westerly right of way line of Broadway Avenue and the southerly right of way line of Rockefeller Avenue; thence following the Grantor's northerly property line and the southerly right of way line of Rockefeller Avenue, N 68° 29' 15" W a distance of 62.70 feet to an iron pin set; thence following an arc of a curve to the left having a radius of 57.00 feet, a chord bearing S 03° 16' 31" W, a chord length of 9.67 feet and an arc length of 9.68 feet to the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following an arc of a curve to the left having a radius of 57.00 feet, a chord bearing S 28° 32' 38" E, a chord length of 51.67 feet and an arc length of 53.62 feet to a point;
2. thence, S 69° 20' 14" W a distance of 30.21 feet to a point;
3. thence, N 20° 39' 46" W a distance of 50.00 feet to a point;
4. thence, N 66° 24' 50" E a distance of 23.16 feet to the TRUE PLACE OF BEGINNING and containing 0.026 acres and subject to all legal highways.

Auditor's Number 122-23-007 & 122-23-010		
Gross Take	=	0.026 acres
Present Road Occupies	=	<u>0.000 acres</u>
Net Take	=	0.026 acres

The above described tract is a portion of Auditor's Parcel Nos. 122-23-007 and 122-23-010 and carried on the tax maps as 10,934 square feet inclusive of Auditor's Parcel No. 122-23-006.

Attachment A

Page 2 of 2

PARCEL	I-T
CTY-RTE	Broadway Ave.
Version Date	10/31/07

Grantor claims title to Auditor's Parcel Nos. 122-23-006 and 122-23-007 by instrument of record in Volume 97-13299, Page 54 of the Cuyahoga County Recorder's Office and to Auditor's Parcel No. 122-23-010 by instrument of record in Volume 94-11874, Page 50 of the Cuyahoga County Recorder's Office.

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Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: PURCHASE 0.067 ACRE OF LAND FOR ROCKEFELLER BRIDGE DEMOLITION PROJECT AND 0.026 ACRE TEMPORARY EASEMENT AND TRANSFER LAND TO THE CITY OF CLEVELAND AT COMPLETION OF PROJECT VENDOR: TERRENCE B. MCCARTHY AMOUNT: \$12,700.00	Resolution No.: 2009-73
	Date: August 13, 2009
	Initiator: Programming and Planning
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 this Purchase Agreement is to provide a legal right to acquire and transfer property needed to construct a cul-de-sac at the terminus of Broadway Avenue as required by the City of Cleveland for the Rockefeller Bridge Demolition (Project 29E) and to transfer the Authority's fee simple interest to the City of Cleveland upon completion of the project.

- 2.0 **DESCRIPTION/JUSTIFICATION:** The Rockefeller Bridge is located across GCRTA and Norfolk Southern tracks. As a result of reports from the Federal Highway Administration, Ohio Department of Transportation, and the City of Cleveland, the bridge has been closed to traffic since September 2003. Bridge demolition will include the entire structure, except for both abutments and wing walls, as they are retaining walls for the adjacent roads. When the bridge is demolished the City of Cleveland requires that GCRTA construct a cul-de-sac at the terminus of Broadway Avenue so that trucks are not left at the end of the road without a means to turn around. After the project is completed GCRTA will transfer the fee simple interest in the cul-de-sac to the City of Cleveland at no charge.

- 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 fee simple acquisitions and dispositions. It also complies with FTA Circular 5010.1D and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

- 6.0 **ECONOMIC IMPACT:** The purchase agreement will be funded through the RTA Development Fund, Programming and Planning Department Budget, including but not limited to one hundred percent (100%) local funds in the amount of Twelve Thousand Seven Hundred Dollars (\$12,700.00).

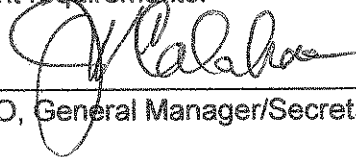
The purchase price is based upon the fair market value of the property as determined by the property appraisal report. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report. The purchase price is within the settlement authority authorized by applicable federal guidelines but falls under the value threshold requiring Federal Transit Authority review.

Staff Summary And Comments
Rockefeller Bridge Property Acquisition

Page 2

- 7.0 ALTERNATIVES: There are no feasible alternatives to acquiring this property since the City of Cleveland is requiring the construction of a cul-de-sac. Land on the other side of Broadway is not as suitable for a cul-de-sac due to a nearby structure and the slope of the land.
- 8.0 RECOMMENDATION: Staff recommends that the Board of Trustees approve the resolution to authorize the purchase of property and subsequent transfer to the City of Cleveland.
- 9.0 ATTACHMENT: None.

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



CEO, General Manager/Secretary-Treasurer