

RESOLUTION NO. 2009-81

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A PURCHASE AGREEMENT IN THE AMOUNT OF \$4,900.00 TO ACQUIRE CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 126-25-002 THROUGH 126-25-005 WHICH ARE LOCATED AT WOODHILL ROAD AND HOLTON AVENUE IN CLEVELAND, OHIO FOR THE RECONSTRUCTION OF THE BUCKEYE-WOODHILL RAPID TRANSIT STATION (RTA DEVELOPMENT FUND - PROGRAMMING AND PLANNING DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority requires property acquisition for the Buckeye-Woodhill Rapid Transit Station Reconstruction (Project 24Q) to expand parking at the station and provide a construction staging area during construction; and

WHEREAS, the City of Cleveland is the owner of land by way of its Land Reutilization Program that is known as Permanent Parcel Number 126-25-002 through 126-25-005 (hereinafter, the "Property"); and

WHEREAS, the Authority wishes to acquire and the City of Cleveland wishes to sell the Property for the total purchase price of Four Thousand Nine Hundred Dollars (\$4,900.00).

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.

Section 2. That the total Purchase Price of Four Thousand Nine Hundred Dollars (\$4,900.00) is the fair market value of the Property as determined by the property appraisal report prepared by the City of Cleveland's appraiser and approved by the City of Cleveland's Board of Control.

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 Four Thousand Nine Hundred Dollars (\$4,900.00).

Section 4. That the execution of the Purchase Agreement and the acquisition of the Property are necessary to carry out the Buckeye-Woodhill Rapid Transit Station Reconstruction Project.

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

Attachment: Map and Legal Description (Attachment A)

Adopted: September 15, 2009



President

Attest: 

CEO, General Manager/Secretary-Treasurer

Attachment A

CLEVELAND

MAP 126

SCALE 60 FT=1-IN



MAP 128

WOODHILL RD 80'

2810 2814 2822

HOLTON RD 50'

GCRTA

CIRR PARCEL NO. 65-C 2.04 AC

37

18

RD

AMBLER ST

ST

50'

36

BUCKEYE RD

AMBLER ST

ST

50'

36

OL 425
OL 424

MCCURDY

R. EDWARDS SUBN VOL 4 PG 56
E & J MOWER SUBN VOL 3 PG 2
M.C. CURDY ALLT. V. 4, P. 51

24

2 441

Attachment A

P. P. No. 126-25-002

SK
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5/27/08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1, Hower Subdivision, of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and also part of Original One Hundred Acre Lot No.

425, together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E. (formerly Newburgh Street) at the Northeasterly corner of land conveyed to Margaret Zoldak, by deed dated January 5, 1940, recorded in Volume 5046, Page 129 of Cuyahoga County Records; thence Northerly along the Westerly line of Woodhill Road, S.E., 43.50 feet to the Northeasterly corner of land conveyed to Gustav Strelau, by deed dated March 13, 1889, and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed, about 140 feet to the northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed, about 44 feet to the Northwesterly corner of land conveyed to Margaret Zoldak, as aforesaid; thence Easterly along the Northerly line of land so conveyed to Margaret Zoldak, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Attachment A

P. P. No. 126-25-003

OK
5/27/08

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio: And known as being all of Sublot No. 2 and the Southerly 40 feet of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of a part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat of said subdivision in Volume 5 of Maps, Page 2 of Cuyahoga County Records, said Sublot No. 2 and Southerly 40 feet of Sublot No. 1 is described as follows:

Beginning at the Southeast corner of Sublot No. 2; thence Northeasterly along the Southeasterly line of said Sublot Nos. 1 and 2, 86 feet; thence Northwesterly along a line parallel with the Southerly line of Sublot No. 1 to a point in the Northerly line of Sublot No. 1; thence along said Northerly line to the northwest corner thereof; thence Southerly along the Westerly line of said Sublot Nos. 1 and 2, 82.27 feet to the Southwest corner of Sublot No. 2; thence Southeasterly along the Southerly line of said Sublot No. 2, 170-3/12 feet to the place of beginning, and forming a parcel of land having a frontage of 86 feet on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), be the same more or less, but subject to all legal highways.

OK
08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E., (formerly Newburgh Street) at a point which is distant 40 feet Northerly measured along said Westerly line from the Southeasterly corner of said Sublot No. 1, said point being also the Southeasterly corner of land conveyed to Gustav Strelau by deed dated March 13, 1889 and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Northerly along said Westerly line of Woodhill Road (S.E.) 6 inches; thence Westerly and parallel with the Southerly line of land so conveyed to Gustav Strelau to the Westerly line thereof; thence Southerly along the Westerly line of land so conveyed to Gustav Strelau to the Southwesterly corner thereof; thence Easterly along the Southerly line of land so conveyed 148 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Attachment A

P. P. No. 126-25-004

OK
DS
5/27/08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3. in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), and extending back 170 feet, 4 inches deep on the Northerly line, 148 feet, 4 inches deep on the Southerly line, and 88 feet, 7-1/2 inches wide in the rear, as appears by said plat.

P. P. No. 126-25-005

OK
DS
5/27/08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 4 in the Elizabeth and S. M. Hower's Subdivision of part of Original 100 Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Holton Avenue, S.E., and extending back 171.75 feet on the Easterly line, 171.62 feet on the Westerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: PURCHASE LAND FOR THE BUCKEYE-WOODHILL RAPID TRANSIT STATION RECONSTRUCTION PROJECT VENDOR: CITY OF CLEVELAND AMOUNT: \$4,900.00	Resolution No.: 2009-81
	Date: September 10, 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 property needed to construct an expanded customer parking lot and provide a construction staging area during construction of the Buckeye-Woodhill Rapid Transit Station Reconstruction Project (Project 24Q).

2.0 **DESCRIPTION/JUSTIFICATION:** The land is owned by the City of Cleveland through its Land Reutilization Program. This allows RTA to acquire the property and incorporate it into the new station design at a low cost. The additional parking that it will provide to customers will enhance this station and also eliminate blighted property adjacent to this new facility.

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 Four Thousand Nine Hundred Dollars (\$4,900.00).

The purchase price is the fair market value of the property as determined by the property appraisal report. The City of Cleveland's Board of Control 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.

7.0 **ALTERNATIVES:** Not acquire real estate at this location, eliminate the planned parking expansion, and lease land from City for construction staging.

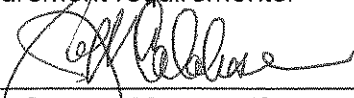
8.0 **RECOMMENDATION:** Staff recommends that the Board of Trustees approve the resolution to authorize the purchase of this property.

Staff Summary And Comments
Buckeye-Woodhill Property Acquisition

Page 2

9.0 ATTACHMENT: Quit Claim Deed.

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



CEO, General Manager/Secretary-Treasurer

OFFICIAL QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that

A. On July 2, 2008, the Council of the City of Cleveland passed Ordinance No. 889-08 attached as Exhibit "A" and incorporated by reference, authorizing the Mayor and the Commissioner of Purchases and Supplies to sell certain City-owned real property; provided that said conveyance shall be completed within six months of the effective date of said Ordinance or such additional time as may be granted by the Director of Community Development.

B. On July 30, 2008, the Board of Control of the City of Cleveland adopted Resolution No. 0379-08 attached as Exhibit "B" and incorporated by reference, authorizing the Commissioner of Purchases and Supplies to proceed with said sale to the Grantee named below upon payment of the consideration stated below.

C. Permanent Parcel No(s). and Prior Instrument Reference: See Exhibit "E";

NOW, THEREFORE, under its Land Reutilization Program, the CITY OF CLEVELAND, for the consideration of \$4,900.00, ("Consideration") quitclaims to the **Greater Cleveland Regional Transit Authority**, its successors and assigns ("Grantee") whose tax mailing address is 1240 West 6th Street, Cleveland, Ohio 44113, the real property more specifically described in attachment Exhibit "C" and incorporated by reference (the "Property").

The Property is conveyed to Grantee "as is," subject to any easements of record in favor of the City and such easements as are necessary for public utilities (including without limitation, sanitary and storm sewers, electric, telephone and other transmission lines, cables, gas and water lines) presently located on the Property.

This conveyance is also made upon the express condition subsequent that Grantee shall perform the following obligation(s):

1. Within 90 days of date of the execution of this Deed by the Mayor, begin construction of the improvements described in attachment Exhibit "D" and incorporated by reference ("Improvements");
2. Prosecute the construction of the Improvements with such diligence as will insure their completion within one year of the date of execution of this Deed by the Mayor;

Attachment A

3. Complete construction of the Improvements and, if required by law, obtain Certificate of Occupancy for the Improvements within one year of date of execution of this Deed by Mayor;
4. Pay all real property taxes and assessments on the Property, or any part thereof, when they become due and payable;
5. Not use, or permit the use of, the Property or any structure erected on the Property, for billboards or other outdoor advertising devices other than permitted identification signs.

If Grantee violates any of the obligations set forth above, and fails to cure such violation within 30 days after written notice of default is sent by the City, then the City shall have the right at its option, to re-enter, take possession of the Property and to re-vest in the City the estate conveyed by this Deed ("Right of Re-entry"). If City exercises its Right of Re-entry, it shall pay to the fee owner of the Property an amount equal to the amount of consideration received for the Property from the original Grantee, whereupon all right, title and interest in and to the Property shall immediately vest in the City and Grantee shall have no claim for contribution or reimbursement for the Improvements. The re-vesting of title shall always be subject to the lien of any mortgagee financing the construction of Improvements that shall immediately attach and become a part of the Property.

This conveyance is made subject to the express condition that the Grantee, upon a contemplated conveyance of the Property, will give the City 90 days notice and the first right to acquire such Property ("Right of First Refusal"). At that time, if the City exercises its Right of First Refusal, then it shall pay an amount equal to the amount of Consideration received from the original Grantee named in this Deed, whereupon the Grantee shall convey all rights, title and interest in the Property to the City by means of a general warranty deed. If the City fails to exercise its Right of First Refusal, then the Grantee shall be authorized to dispose of the Property as proposed in the notice to the City. In the event the Property is conveyed without prior notice to the City, then such conveyance shall be void and shall confer no title whatsoever upon the purported transferee.

Grantee and City agree that the conditions subsequent, the Right of First Refusal, and the Right of Re-entry ("Obligations") in this Deed shall constitute covenants running with the Property both as to burdens and benefits. The City's failure to exercise or the City's waiver of these Obligations shall not be construed as a waiver of any rights and remedies that the City may have to enforce Grantee's other requirements under this Deed. No waiver shall be valid against the City unless reduced to writing and signed by an authorized officer of the City.

Attachment A

IN WITNESS WHEREOF, the City, by its Mayor on _____ and its Commissioner of Purchases and Supplies on _____, has caused this instrument to be executed, and Grantee has executed this instrument through its duly authorized official(s) on _____, 2008

GRANTOR:

By: _____
FRANK G. JACKSON
MAYOR

By: _____
JAMES E. HARDY, COMMISSIONER
PURCHASES AND SUPPLIES

GRANTEE:

**Greater Cleveland
Regional Transit Authority**

By: _____

Title of Signing Party

Attachment A

COUNTY OF CUYAHOGA) SS:
)

Before me a Notary Public in and for said County and State, personally appeared the CITY OF CLEVELAND by Frank G. Jackson, Mayor, who acknowledged that he did sign the foregoing Quitclaim Deed, and that said signing was his free act and deed as said Mayor, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this _____ day of _____, 2008

NOTARY PUBLIC
My Commission Expires: _____

STATE OF OHIO) SS:
)
COUNTY OF CUYAHOGA)

Before me a Notary Public in and for said County and State, personally appeared the CITY OF CLEVELAND by James E. Hardy, Commissioner of Purchases and Supplies, who acknowledged that he did sign the foregoing Quitclaim Deed, and that said signing was his free act and deed as said Commissioner of Purchases and Supplies, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio this _____ day of _____, 2008.

NOTARY PUBLIC
My Commission Expires: _____

Attachment A

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me a Notary Public in and for said County and State, personally appeared the above-named Grantee, **Greater Cleveland Regional Transit Authority**, a corporation, by _____ who acknowledged that he/she/they did sign the foregoing instrument, and that the same is his/her/their free act and deed personally as said officer(s), and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this _____ day of _____, 2008

NOTARY PUBLIC
My Commission Expires: _____

This instrument prepared by:

Assistant Director of Law
City of Cleveland
Room 106 – City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114
(216) 664-2800

Section 2. That the Directors of Community Development and Law, and such appropriate City officials are authorized to execute the document and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the development agreement.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 2, 2008.
Effective July 7, 2008.

Ord. No. 889-08.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Woodhill Road and Holton Avenue to Greater Cleveland Regional Transit Authority.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commission of Purchases and Supplies is authorized to sell the real property, more fully described below, to Greater Cleveland Regional Transit Authority.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 126-25-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1, Hower Subdivision, of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and also part of Original One Hundred Acre Lot No. 425, together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E. (formerly Newburgh Street) at the Northeastly corner of land conveyed to Margaret Zoldak, by deed dated January 5, 1940, recorded in Volume 5046, Page 129 of Cuyahoga County Records; thence Northerly along the

Westerly line of Woodhill Road, S.E., 43.50 feet to the Northeastly corner of land conveyed to Gustav Strelau, by deed dated March 13, 1889, and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed, about 140 feet to the northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed, about 44 feet to the Northwestly corner of land conveyed to Margaret Zoldak, as aforesaid; thence Easterly along the Northerly line of land so conveyed to Margaret Zoldak, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-25-003

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio; And known as being all of Sublot No. 2 and the Southerly 40 feet of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of a part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat of said subdivision in Volume 5 of Maps, Page 2 of Cuyahoga County Records, said Sublot No. 2 and Southerly 40 feet of Sublot No. 1 is described as follows:

Beginning at the Southeast corner of Sublot No. 2; thence Northeastly along the Southeastly line of said Sublot Nos. 1 and 2, 86 feet; thence Northwestly along a line parallel with the Southerly line of Sublot No. 1 to a point in the Northerly line of Sublot No. 1; thence along said Northerly line to the northwest corner thereof; thence Southerly along the Westerly line of said Sublot Nos. 1 and 2, 82.27 feet to the Southwest corner of Sublot No. 2; thence Southeastly along the Southerly line of said Sublot No. 2, 170-3/12 feet to the place of beginning, and forming a parcel of land having a frontage of 36 feet on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), be the same more or less, but subject to all legal highways.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E. (formerly Newburgh Street) at a point which is distant 40 feet Northerly measured along said Westerly line from the Southeastly corner of said Sublot No. 1, said point being also the Southeastly corner of land conveyed to Gustav Strelau by deed dated March 13, 1889 and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Northerly along said Westerly line of Woodhill Road (S.E.) 6 inches; thence Westerly and parallel with the Southerly line of land so conveyed to Gustav Strelau to the Westerly line thereof; thence Southerly along the Westerly line of land so conveyed to Gustav Strelau to the Southwestly corner thereof; thence Easterly along the Southerly line of

land so conveyed 148 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 126-25-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3 in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 80 feet front on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), and extending back 170 feet, 4 inches deep on the Northerly line, 148 feet, 4 inches deep on the Southerly line, and 88 feet, 7-1/2 inches wide in the rear, as appears by said plat.

P. P. No. 126-25-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 4 in the Elizabeth and S. M. Hower's Subdivision of part of Original 100 Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Holton Avenue, S.E., and extending back 171.75 feet on the Easterly line, 171.62 feet on the Westerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 2, 2008.
Effective July 7, 2008.

BOARD OF CONTROL

Received

7/28/08

Approved

7/28/08

Adopted

7/30/08

Secretary

Jeffrey Mader

RESOLUTION No. 0379-08

BY: Director Rush

WHEREAS, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, City has acquired Permanent Parcel Nos. 126-25-002, 126-25-003, 126-25-004 and 126-25-005, located at Woodhill Road and Holton Avenue under the Land Reutilization Program; and

WHEREAS, Ordinance No. 889-08 passed July 2, 2008, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

WHEREAS, Greater Cleveland Regional Transit Authority has proposed to the City to purchase and develop the parcels for parking lot; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance No. 889-08 passed July 2, 2008, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Greater Cleveland Regional Transit Authority for the sale and development of Permanent Parcel Nos. 126-25-002, 126-25-003, 126-25-004 and 126-25-005, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the parcels shall be \$4,900.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

- Yeas: Directors Triozzi, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Nichols, Acting Director Odom, Directors Guzman, Rybka
- Nays: None
- Absent: Mayor Jackson, Director Dumas

OK
5/27/08

P. P. No. 126-25-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1, Hower Subdivision, of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and also part of Original One Hundred Acre Lot No.

425, together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E. (formerly Newburgh Street) at the Northeasterly corner of land conveyed to Margaret Zoldak, by deed dated January 5, 1940, recorded in Volume 5046, Page 129 of Cuyahoga County Records; thence Northerly along the Westerly line of Woodhill Road, S.E., 43.50 feet to the Northeasterly corner of land conveyed to Gustav Strelau, by deed dated March 13, 1889, and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed, about 140 feet to the northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed, about 44 feet to the Northwesterly corner of land conveyed to Margaret Zoldak, as aforesaid; thence Easterly along the Northerly line of land so conveyed to Margaret Zoldak, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

OK
PS
5/27/08

P. P. No. 126-25-003

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio: And known as being all of Sublot No. 2 and the Southerly 40 feet of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of a part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat of said subdivision in Volume 5 of Maps, Page 2 of Cuyahoga County Records, said Sublot No. 2 and Southerly 40 feet of Sublot No. 1 is described as follows:

Beginning at the Southeast corner of Sublot No. 2; thence Northeasterly along the Southeasterly line of said Sublot Nos. 1 and 2, 86 feet; thence Northwesterly along a line parallel with the Southerly line of Sublot No. 1 to a point in the Northerly line of Sublot No. 1; thence along said Northerly line to the northwest corner thereof; thence Southerly along the Westerly line of said Sublot Nos. 1 and 2, 82.27 feet to the Southwest corner of Sublot No. 2; thence Southeasterly along the Southerly line of said Sublot No. 2, 170-3/12 feet to the place of beginning, and forming a parcel of land having a frontage of 86 feet on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), be the same more or less, but subject to all legal highways.

OK
PS

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 1 in Elizabeth and Jeremiah M. Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of Woodhill Road, S.E., (formerly Newburgh Street) at a point which is distant 40 feet Northerly measured along said Westerly line from the Southeasterly corner of said Sublot No. 1, said point being also the Southeasterly corner of land conveyed to Gustav Strelau by deed dated March 13, 1889 and recorded in Volume 440, Page 456 of Cuyahoga County Records; thence Northerly along said Westerly line of Woodhill Road (S.E.) 6 inches; thence Westerly and parallel with the Southerly line of land so conveyed to Gustav Strelau to the Westerly line thereof; thence Southerly along the Westerly line of land so conveyed to Gustav Strelau to the Southwesterly corner thereof; thence Easterly along the Southerly line of land so conveyed 148 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 126-25-004

OK
ps
5/27/08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3. in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue), and extending back 170 feet, 4 inches deep on the Northerly line, 148 feet, 4 inches deep on the Southerly line, and 88 feet, 7-1/2 inches wide in the rear, as appears by said plat.

P. P. No. 126-25-005

OK
ps
5/27/08

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 4 in the Elizabeth and S. M. Hower's Subdivision of part of Original 100 Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Holton Avenue, S.E., and extending back 171.75 feet on the Easterly line, 171.62 feet on the Westerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

EXHIBIT D

IMPROVEMENTS

Grantee shall redevelop the Property by constructing and maintaining a parking lot and associated Property improvements approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee in compliance with the City of Cleveland's parking and landscaping requirements (Chapters 349 and 352 of the Codified Ordinance of Cleveland, Ohio). Prior to commencement of any construction, Grantee shall deliver to the City (including the Cleveland City Planning Commission) for review and approval, plans and specifications for all improvements in sufficient detail to demonstrate Grantee's full compliance with all applicable state and local laws. Grantee shall construct the improvements in conformity with all plans approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee. The City may, at its option, retain such plans and specifications.

If the Property includes two (2) or more permanent parcel numbers or lots of record, Grantee shall submit to the City's Platting Commissioner a consolidation plat prepared by a professional surveyor, which plat shall be approved by the Platting Commissioner and the City's Director of City Planning prior to Grantee's application for a building permit.

Attachment A

Exhibit "E"

	Permanent Parcel No.	AFN	Volume	Page
1.	126-25-002	V98088110047		
2.	126-25-004	V95522090003		
3.	126-25-005	200801080449		
4.	126-25-003	V98088110047		