

RESOLUTION NO. 2010-55

AUTHORIZING THE REVISION OF REAL ESTATE POLICIES ADOPTED BY
THE BOARD OF TRUSTEES IN RESOLUTION 2004-092

WHEREAS, the Board of Trustees by Resolution 2002-098 adopted Real Estate Policies governing the real estate transactions of the Greater Cleveland Regional Transit Authority ("GCRTA"); and

WHEREAS, Resolution 2002-098 was subsequently amended by Resolution 2004-092; and

WHEREAS, it is necessary to again amend said policy due to amendments to GCRTA's policy on "Public Assembly on Authority Property" and modification of GCRTA's policy on special events usage.

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

Section 1. The policy governing use of GCRTA facilities for Real Estate, as set forth in Attachment A, which is incorporated herein by reference, is hereby adopted as the Policy of the Authority.

Section 2. That this resolution shall become effective immediately upon its adoption.

Attachment: Real Estate Policies of the Greater Cleveland Regional Transit Authority

Adopted: August 17, 2010



President

Attest: 

CEO, General Manager/Secretary-Treasurer

**REAL ESTATE POLICIES
OF THE
GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY**

ACQUISITIONS OF REAL PROPERTY

Acquisitions of real property and eminent domain takings by the Greater Cleveland Regional Transit Authority ("GCRTA") require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

DISPOSITIONS OF REAL PROPERTY

Dispositions of real property require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

LEASES

- (A) Leases of GCRTA-owned real property by GCRTA require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by another party, exceed twenty-five thousand dollars (\$25,000.00) in total revenue and/or are for a term of more than three (3) years. GCRTA shall not enter into leases or temporary easements that provide for automatic renewals. Leases that do not exceed (3) years and provide total revenue less than or equal to twenty-five thousand dollars (\$25,000.00) may be authorized by the General Manager/Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use that would involve, during the total lease, a period exceeding three (3) years and/or total revenue in excess of twenty-five thousand dollars (\$25,000.00).
- (B) Leases by GCRTA of another party's real property require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by GCRTA, exceed twenty-five thousand dollars (\$25,000.00) in total cost and/or are for more than three (3) years. GCRTA shall not enter into leases that provide for automatic renewals. Leases that do not exceed three (3) years and do not provide for total revenue in excess of twenty-five thousand dollars (\$25,000.00) may be authorized by the General Manager/Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use exceeding three (3) years and/or that would involve, during the total lease, a cost in excess of twenty-five thousand dollars (\$25,000.00).

TEMPORARY EASEMENTS

The granting or acceptance of temporary easements for construction, access, use, etc. by GCRTA for a term less than three (3) years and for less than twenty-five thousand dollars (\$25,000.00) may be authorized by the General Manager/Secretary-Treasurer without approval of the Board of Trustees.

PERMANENT EASEMENTS

- (A) The conveyance or acceptance of a permanent easement by GCRTA with a value less than two thousand five hundred dollars (\$2,500.00) may be authorized by the General Manager/Secretary-Treasurer without approval of the Board of Trustees.
- (B) The conveyance or acceptance of any permanent easement by GCRTA with a value equal to or in excess of two thousand five hundred dollars (\$2,500.00) requires recommendation of the General Manager/Secretary-Treasurer and approval of the Board of Trustees.

LICENSE AGREEMENTS

- (A) License agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000.00) in revenue/cost or exceed three (3) years require recommendation by the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.
- (B) License agreements that do not exceed twenty-five thousand dollars (\$25,000.00) in revenue/cost and do not exceed three (3) years may be authorized by the General Manager/Secretary-Treasurer without approval by the Board of Trustees.

LIMITED USE AGREEMENTS

- (A) Limited Use Agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000.00) in revenue/cost or exceed three (3) years require recommendation by the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.
- (B) Limited Use Agreements that do not exceed twenty-five thousand dollars (\$25,000.00) and do not exceed three (3) years may be authorized by the General Manager/Secretary-Treasurer without approval by the Board of Trustees.
- (C) Limited Use Agreements include, but are not limited to, use of Authority facilities for special events, filming agreements, permits to come upon and/or use GCRTA real property, construction staging area permits, and temporary right-of-way permits. Special Events Usage Agreements are governed by the Special Events Usage Policy of the Greater Cleveland Regional Transit Authority.

JOINT DEVELOPMENT AGREEMENTS

Joint development agreements require the recommendation of the General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

COMPLIANCE WITH FTA REGULATIONS

All real estate transactions must be reviewed to determine compliance with FTA regulations.



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: REVISING THE POLICY GOVERNING AUTHORITY REAL ESTATE.	Resolution No.: 2010-55
	Date: August 12, 2010
	Initiator: Engineering & Project Management
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: To revise the policy governing GCRTA Real Estate.
- 2.0 DESCRIPTION/JUSTIFICATION: It is necessary to revise the GCRTA Real Estate policy to reflect revisions to GCRTA's public assembly policy as well as the enactment of GCRTA's special event usage policy.
- 3.0 PROCUREMENT BACKGROUND: N/A
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: N/A
- 5.0 POLICY IMPACT: This action will cause the Real Estate policy to reference the amendment and enactment of other GCRTA policies.
- 6.0 ECONOMIC IMPACT: None.
- 7.0 ALTERNATIVES: Reject this revision.
- 8.0 RECOMMENDATION: It is recommended that this policy revision be approved.
- 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