

RESOLUTION NO. 2012-55

AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO GRANT A PERMANENT UNDERGROUND EASEMENT TO THE CLEVELAND ELECTRIC ILLUMINATING COMPANY ACROSS APPROXIMATELY 0.201 ACRES OF LAND AT THE BUCKEYE-WOODHILL RAPID TRANSIT STATION

WHEREAS, the Ohio Department of Transportation and City of Cleveland will be reconstructing the Buckeye Road/Woodhill Road (State Route 87) bridge over GCRTA's tracks; and

WHEREAS, the Cleveland Electric Illuminating Company (CEI) will be displaced by the bridge project and CEI has requested to relocate its facilities on GCRTA property adjacent to the Buckeye-Woodhill station; and

WHEREAS, a permanent underground easement to CEI for the burial of electrical cable and equipment would encumber approximately 0.201 acres of Permanent Parcel Nos. 126-25-005 and 126-25-001 and would not interfere with GCRTA's present or future use of the station or create any safety hazards; and

WHEREAS, GCRTA and CEI wish to enter into a permanent underground easement to give CEI the legal right to use this land; and

WHEREAS, as consideration for the easement, CEI will relocate the GCRTA's substation overhead electric service to an underground installation at no cost to GCRTA; and

WHEREAS, the value of the work to be performed by CEI to GCRTA's benefit exceeds the fair market value of the easement, represents the greatest return to the GCRTA, and will be a significant improvement to the station.

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 grant the permanent underground easement to CEI over approximately 0.201 acres of Permanent Parcel Nos. 126-25-005 and 126-25-001.

Section 2. That CEI shall be responsible for relocating the substation's overhead service to an underground installation in exchange for the easement at no cost to GCRTA .

Section 3. That the value of the work to be performed by CEI to GCRTA's benefit exceeds the fair market value of the easement, represents the greatest return to the GCRTA, and will be a significant improvement to the station

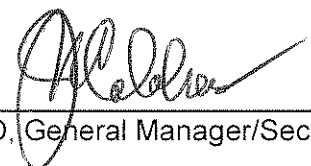
Section 4. That the General Manager/Secretary-Treasurer be, and is hereby authorized to execute the permanent Underground Easement in substantially the same form as the document attached hereto as Attachment A.

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

Attachment A: Underground Easement

Adopted: June 18, 2012

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer

Attachment A

**UNDERGROUND EASEMENT - CORPORATION**

KNOW ALL MEN BY THESE PRESENTS,

that the THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY (the "Grantor"), of the within described land, for the consideration of One Dollar (\$1.00) and other valuable considerations to be delivered by Grantee in accordance with construction plans prepared by Grantee and approved by Grantor, the receipt of which is hereby acknowledged, does hereby grant, give, sell, and convey unto The Cleveland Electric Illuminating Company, its successors and assigns (hereinafter referred to as the Grantee) the permanent subsurface right of way and easement to construct, reconstruct, operate, supplement, repair, maintain, renew, and remove such underground electric and / or communication cables, ducts, conduits, below-ground mounted transformer installations, service pedestals, concrete pads, and other facilities as are deemed necessary or convenient by the Grantee for distributing and transmitting electricity and / or for communication systems for public or private use at such locations as Grantee may determine, upon, within and across the following described premises, to wit:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot 4 in the Elizabeth and Jeremiah M. Hower's Subdivision as shown by the recorded plat in Volume 5, Page 2 of Cuyahoga County Map Records and part of Original One Hundred Acre Lot 425, and bounded and described as follows:

Beginning at a point in the westerly line of Woodhill Road, 80 feet wide, at its intersection with the northerly line of Holton Avenue, 60 feet wide;

Thence South 89 degrees 42 minutes 27 seconds West, along the northerly line of Holton Avenue, 168.05 feet to a point, and the principal place of beginning of a 20 feet wide easement herein described;

Thence South 89 degrees 42 minutes 27 seconds West, along the northerly line of Holton Avenue, 20.00 feet to its intersection with the easterly line of a parcel of land conveyed to Arthur Porter by deed recorded in Volume 96-5925, Page 53 of the Official Records of Cuyahoga County;

Thence North 00 degrees 17 minutes 33 seconds West, along the easterly line of said land conveyed to Arthur Porter, and its northerly prolongation, 352.30 feet to a point;

Thence North 27 degrees 32 minutes 07 seconds East, 91.93 feet to a point in the southwesterly line of Buckeye Road, 80 feet wide;

Thence South 57 degrees 29 minutes 19 seconds East, along the southwesterly line of Buckeye Road, 20.08 feet to a point;

Thence South 27 degrees 32 minutes 07 seconds West, 85.24 feet to a point;

Thence South 00 degrees 17 minutes 33 seconds East, 347.34 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in October, 2011.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only. See attached Exhibit.

TO HAVE AND TO HOLD said right of way and easement right hereby granted unto the said Grantees, their successors and assigns forever, and the said Grantor, THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY hereby covenants with said Grantee, its successors and assigns, that it is the true and lawful owner of said premises and it is well seized thereof, and that it has full right and power to grant the rights conveyed.

IN WITNESS WHEREOF, THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY has executed this easement by its duly authorized officers and has caused its corporate seal to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SIGNED IN THE PRESENCE OF

\_\_\_\_\_  
\_\_\_\_\_

The Greater Cleveland Regional Transit Authority

By:

\_\_\_\_\_  
Joseph A. Calabrese  
CEO, General Manager/Secretary-Treasurer

\_\_\_\_\_  
Official Title

STATE OF OHIO  
COUNTY OF CUYAHOGA

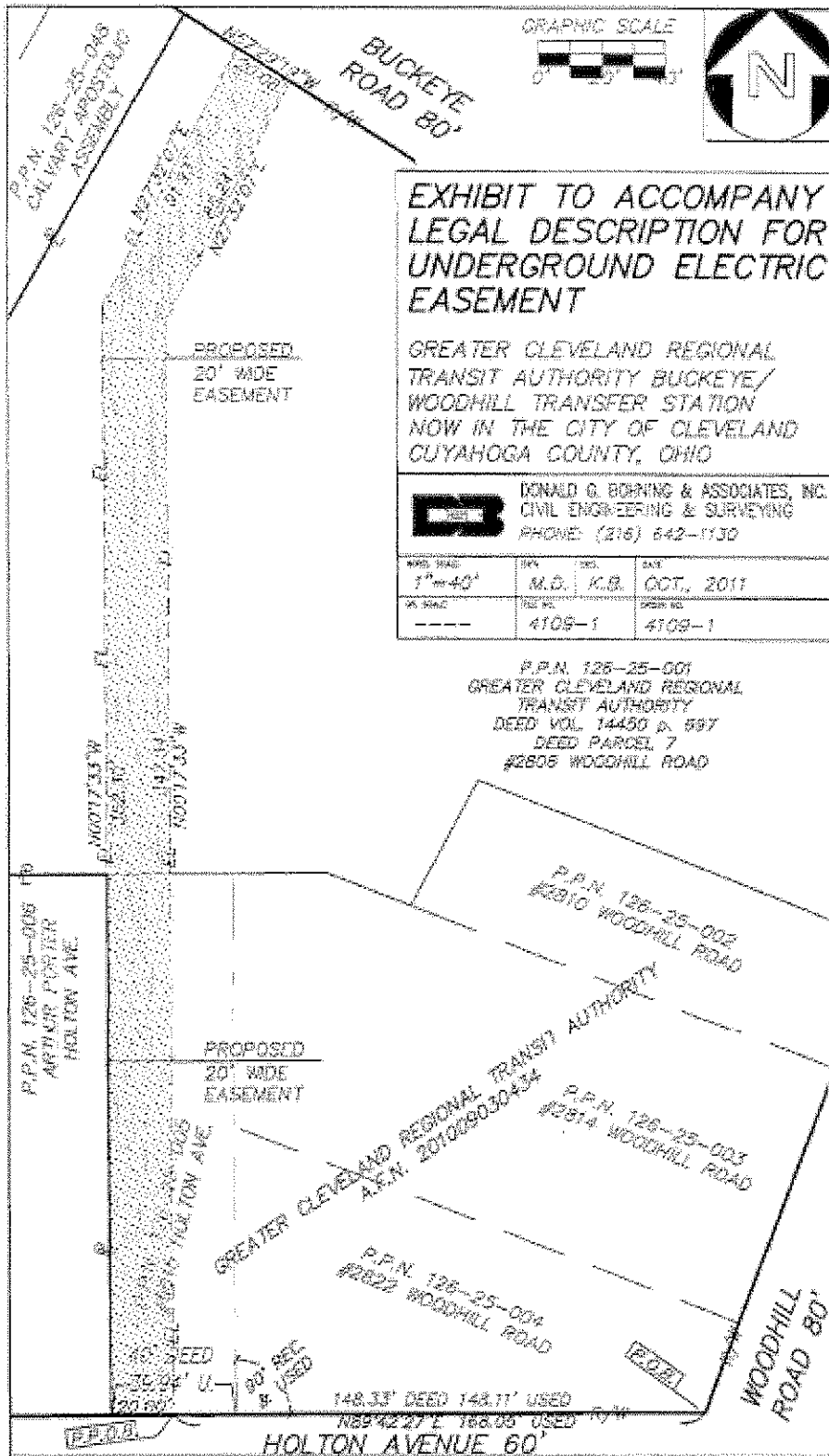
This instrument was prepared by  
THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By \_\_\_\_\_, Grantor(s).

\_\_\_\_\_  
Notary Public

EXHIBIT





Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

<b>TITLE/DESCRIPTION:</b>		Resolution No.: 2012-55
<b>CONTRACT:</b>	GRANT OF PERMANENT UNDERGROUND EASEMENT	Date: June 14, 2012
<b>VENDOR:</b>	CLEVELAND ELECTRIC ILLUMINATING COMPANY	Initiator: Programming and Planning
<b>AMOUNT:</b>	NO COST TO THE AUTHORITY	
<b>ACTION REQUEST:</b>		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Review/Comment	<input type="checkbox"/> Information Only
<input type="checkbox"/> Other _____		

- 1.0 **PURPOSE/SCOPE:** Authorize the General Manager/Secretary-Treasurer to grant a permanent underground easement to the Cleveland Electric Illuminating Company (CEI) to relocate its facilities on GCRTA property adjacent to the Buckeye-Woodhill station. The relocation of CEI's facilities is required by the Ohio Department of Transportation and City of Cleveland Buckeye Road/Woodhill Road (State Route 87) bridge replacement project.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** The proposed easement is an underground electric easement over the western portion of Cuyahoga County Permanent Parcel Numbers 126-25-001 and 126-25-005 in the City of Cleveland, said easement having a width of 20' and a length of approximately 438', totaling approximately 0.201 acres. The easement will not affect the present or future use of the Buckeye-Woodhill Transit Station or create any safety hazards. In lieu of requiring payment of fair market value for the easement interest, GCRTA has negotiated the exchange of the proposed easement for work to be performed by CEI on GCRTA's property to GCRTA's benefit. Specifically, the work to be performed by CEI will remove GCRTA's overhead 33KV wires crossing over the tracks and replacing the substation service across the station parking lot with an underground installation. This work shall serve as the consideration to be paid by CEI to GCRTA for the proposed easement.
  
- 3.0 **PROCUREMENT BACKGROUND:** Not Applicable.
  
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Not Applicable
  
- 5.0 **POLICY IMPACT:** This action is compliant with the Board of Trustees Real Estate Procedures that specify the Board of Trustees must approve any permanent easements with a value in excess of \$2,500.
  
- 6.0 **ECONOMIC IMPACT:** The cost of work to be performed by CEI to GCRTA's benefit as consideration for the easement is estimated at over \$100,000, while the fair market value of the easement is estimated at \$5,000. The value of the work to be performed by CEI far outweighs the fair market value of the easement and represents the greatest return to GCRTA.
  
- 7.0 **ALTERNATIVES:** Not grant the easement.

- 8.0 RECOMMENDATION: This action was presented to the Planning and Development Committee on June 5, 2012 and recommended for approval to the Board of Trustees. Staff recommends that the Board of Trustees approve the resolution to authorize granting the underground easement to CEI.
- 9.0 ATTACHMENTS: None.

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



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CEO, General Manager/Secretary-Treasurer