

RESOLUTION NO. 2013-124

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY ("GCRTA") TO ENTER INTO A PURCHASE AGREEMENT IN THE AMOUNT OF \$3,600.00 TO ACQUIRE CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 126-25-016 AND 126-25-017 WHICH ARE LOCATED ON HOLTON AVENUE AND CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 126-25-052 AND 126-25-053 WHICH ARE LOCATED ON AMBLER AVENUE IN CLEVELAND, OHIO FOR THE CONSTRUCTION OF A SIGNAL BUILDING TO HOUSE ELECTRICAL SAFETY EQUIPMENT REQUIRED FOR TRUNK LINE RE-SIGNALING (RTA DEVELOPMENT FUND, PROGRAMMING AND PLANNING DEPARTMENT BUDGET)

WHEREAS, the GCRTA requires property acquisition to construct a signal building to house electrical safety signal equipment required for the trunk line re-signaling (Project 12D); and

WHEREAS, the City of Cleveland is the owner of land by way of its Land Reutilization Program that is known as Permanent Parcel Numbers 126-25-016, 126-25-017, 126-25-052 and 126-25-053 (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 Three Thousand Six Hundred Dollars (\$3,600.00).

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 Three Thousand Six Hundred Dollars (\$3,600.00) 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 Three Thousand Six Hundred Dollars (\$3,600.00).

Section 4. That the execution of the Purchase Agreement and the acquisition of the Property are necessary to carry out the Trunk Line Re-Signaling project.

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

Attachment: Map and Legal Description (Attachment A)

Adopted: December 17, 2013



President

Attest: 

CEO, General Manager/Secretary-Treasurer

Attachment A

P.P. No. 126-25-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 16 in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records
Also subject to zoning ordinances, if any.

P.P. No. 126-25-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being Sub-lot No. 17 in Elizabeth Hower's Subdivision of part of Original 100 Acre Lots No. 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., 171.35 feet deep on the Easterly line, 171.33 feet deep on the Westerly line and 40 feet wide in the rear, as appears by said plat.

Attachment A

P.P. No. 126-25-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots Nos 13, 14 and 15 in Hower Subdivision of part of Original One Hundred Acre Lots nos 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of Ambler Street, S.E., at a point 101-5/12 feet Northerly (measured along the Westerly line of Ambler Street S.E.) from the intersection of the Northerly line of Holton Avenue S.E., with the Westerly line of Ambler S.E.; thence Westerly parallel with the Northerly line of Holton Avenue S.E., 121 feet to the Westerly line of Sub-lot No. 15; thence Northerly along the Westerly line of Sub-lot No. 15; about 30 feet to the Northwestern corner thereof; thence Easterly along the Northerly line of Sub-lots Nos. 15, 14, and 13 121 feet to the Westerly line of Ambler Street S.E.; thence Southerly along the Westerly line of Ambler Street S.E., 30 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P.N. 126-25-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being Sublot No. 31 of Elizabeth Hower's Subdivision of part of Original One Hundred Acre Nos. 424 and 425 in said City. Said Sublot No. 31 has a frontage of 40 feet on the Westerly side of Ambler Street, S.E., and extends back of equal width 121 feet deep, as per plat of said Subdivision recorded in Volume 5 of Maps, Page 2 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Parcel No. 126-25-053

Also known as 2808 Ambler Street, Cleveland, OH 44104



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION:		Resolution No.: 2013-124
CONTRACT:	PURCHASE LAND FOR THE TRUNK LINE RE-SIGNALING PROJECT	Date: December 12, 2013
VENDOR:	CITY OF CLEVELAND	Initiator: Programming and Planning
AMOUNT:	\$3,600.00	
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 a signal building and driveway on the two Holton Avenue properties and to provide a construction staging area during construction on the Ambler Avenue properties for the Trunk Line Re-Signaling Project (Project 12D).
- 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 right of way at the location at a low cost. The additional land will provide GCRTA employees with access to the signal building and also eliminate blighted property adjacent to GCRTA's right of way.
- 3.0 PROCUREMENT BACKGROUND: Not Applicable.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Not Applicable.
- 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 Three Thousand Six Hundred Dollars (\$3,600.00).


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 approve this purchase, which will prohibit GCRTA from re-signaling the trunk line.

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

9.0 ATTACHMENTS: 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



City of Cleveland
Frank Jackson, Mayor

Department of Community Development
Division of Neighborhood Development
Land Reutilization Program (Land Bank)
601 Lakeside Avenue, Room 325
Cleveland, Ohio 44114

December 5, 2013

Joseph A. Calabrese, CEO/ General Manager-Secretary-General
Greater Cleveland Regional Transit Authority
1240 West 6th Street
Cleveland, OH 44113

Re: Quitclaim Deed preparation for PPN: 126-25-053, 052, 016 & 017

Dear Mr. Calabrese:

This is to inform you that your Quitclaim Deed is ready for signing. Please sign the Deed (pg. 4) and have it notarized (pg. 6) before returning it to my attention at the address above. If you prefer, we can notarize the Deed here for free. Note: The following fees are required with your signed/notarized Deed before it can be filed and land can be transferred into your name.

Associated fees:

\$3,600.00	Cost of the parcels (Money Order or Cashier Check payable to: City of Cleveland)
\$2.00	Cost of transfer is \$0.50 per parcel (Cash)
\$108.00	Recording of Deed & Exhibits (Money order or Cashier check payable to: Cuyahoga County Fiscal Officer)

If I can be of further assistance to you, please do not hesitate to call me at (216) 664-4037.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rastatter".

Michael Rastatter
Administrator
Cleveland Land Reutilization Program

OFFICIAL QUITCLAIM DEED

1. Section 183.021 of the Codified Ordinance of Cleveland, Ohio 1976, authorizes the sale of certain land acquired by the City of Cleveland, a municipal corporation in the State of Ohio (the "City"), as part of its Land Reutilization Program; provided that certain conditions stated in Section 183.021 are first satisfied.

2. As evidence by the Resolution of the Board of Control of the City of Cleveland attached hereto as Exhibit "A" and incorporated herein by reference, the City of Cleveland has determined that the sale of the property described below will satisfy the requirements of Section 183.021.

3. Permanent Parcel No(s). 126-25-053, 126-25-052, 126-25-016 and 126-25-017 and Prior Instrument Reference: AFN – 201203060371, Volume – 93-06462; Page 4, Volume – 95-07360; Page 53 and Volume – 92-39994; Page 38.

NOW, THEREFORE, THE CITY OF CLEVELAND, a municipal corporation in the State of Ohio (the "City"), for the Consideration of \$3,600.00, grants and quitclaims to the Greater Cleveland Regional Transit Authority, its successors and assigns (the "Grantee(s)") whose tax mailing address is 1240 West 6th Street, Cleveland, OH. 44113 the real property more specifically described in Exhibit "B" attached hereto and incorporated herein 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 ninety (90) days of date of the execution of this Deed by the Mayor, commence construction of the improvements described in Exhibit "C" attached hereto and incorporated herein by reference (the "Improvements"); and complete all improvements within one (1) year of the date of execution of this Deed by the Mayor.

2. Grantee shall pay all real property taxes and assessments on the Property, or any part thereof, when they become due and payable.

3. Grantee upon a contemplated conveyance of the Property within five (5) years of execution of this Deed by the Mayor, 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 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.

4. The Property or any structure erected or to be erected on the Property shall not be used for any of the following purposes (the "Restrictions"):

- a. to display billboards or other outdoor advertising devices other than permitted identification signs;
- b. to carry on noxious or offensive trade which may be or become an annoyance or nuisance to the neighborhood as determined by the City;
- c. to create solid waste landfills; hazardous waste landfills; tire disposal facilities; or dumping ground for rubbish, trash, garbage or other waste, unless in the appropriate sanitary containers (all equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition);

- d. to allow wrecked, junked or dismantled vehicles or portions of vehicles, furniture or appliances designed for normal use or operation within dwellings, to be parked, stored or located upon the Property in such a manner or location as to be visible to any other property or from the street;
- e. to sell alcoholic or other intoxicating beverages on the Property;
- f. to permit an Adult Use, as that term is defined in the Codified Ordinances of the City of Cleveland, Ohio, 1976, as from time to time amended; and
- g. to perform any other use prohibited by the City's zoning regulations or other laws or codes.

These Restrictions may not be amended, supplemented or terminated, in whole or in part, except by written agreement of the then fee owner(s) of the Property and the City. Any such amendment, supplement or termination shall be evidenced by a document recorded in the Office of the Cuyahoga County Recorder.

If Grantee violates any of the above Restrictions, and fails to cure such violation within thirty days after written notice of default by the City, then the City shall have the option to re-enter and take possession of the Property and to terminate and 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.

Grantee and City agree that the conditions subsequent, the Restrictions, the Right of First Refusal, and the Right of Re-entry (the "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.

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 _____.

GRANTOR:

By: _____
FRANK G. JACKSON,
MAYOR

By: _____
Tiffany White, COMMISSIONER
PURCHASES AND SUPPLIES

GRANTEE(S):

By: _____
Greater Cleveland Regional Transit
Authority

By: _____
Print Name

By: _____
Title of Signing Party

STATE OF OHIO)
COUNTY OF CUYAHOGA) SS:

Before me a Notary Public in and for said County and State, personally appeared to 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 officer, 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 _____, 20__.

NOTARY PUBLIC
My Commission Expires: _____

STATE OF OHIO)
COUNTY OF CUYAHOGA) SS:

Before me a Notary Public in and for said County and State, personally appeared to the CITY OF CLEVELAND by Tiffany White, 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 officer, 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 _____, 20__.

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 above-named Grantee(s), the Greater Cleveland Regional Transit Authority, by _____, its _____ who acknowledged signing the foregoing instrument and that such signing was a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this _____ day of _____, 20____.

NOTARY PUBLIC
My Commission Expires: _____

The instrument prepared by:

Assistant Director of Law
City Hall
City of Cleveland Room 106
Cleveland, Ohio 441114

EXHIBIT "A"

BOARD OF CONTROL

Received

11/25/13

Approved

11/28/13

Adopted

12/27/13

Secretary

[Handwritten signature]

RESOLUTION No. 677-13

BY: Director Rush

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

WHEREAS, under the Program, the City has acquired Permanent Parcel, 126-25-053, 126-25-052, 126-25-016 and 126-25-017 located at various locations in Ward 5; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, the Greater Cleveland Regional Transit Authority has proposed to the City to purchase and develop the parcels for commercial facility expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with the Greater Cleveland Regional Transit Authority for the sale and development of Permanent Parcels 126-25-053, 126-25-052, 126-25-016 and 126-25-017, 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 sale of the parcels shall be \$3,600.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Acting Director Cosgrove, Director Southerington, Acting Director Thornton, Director Fumich, Acting Director O'Leary
Nays: None
Absent: Mayor Jackson, Director Flask

EXHIBIT "B"

PPN 126-25-016 ✓

OK
AS
12/03/13

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lots 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 of equal width 171.35 feet deep on the Westerly line, 171.37 feet deep on the Easterly line and 40 feet wide in the rear, be the same more or less, but subject to all legal highways.

EXHIBIT "B"

PPN 126-25-017

✓

OK
NS
12/03/13

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lots 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., 171.35 feet deep on the Easterly line, 171.33 feet deep on the Westerly line and 40 feet wide in the rear, as appears by said plat.

Also subject to all zoning ordinances, if any.

EXHIBIT "B"

PPN 126-25-052 ✓

OK
12-10-3/13

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots Nos. 13,14 and 15 in Hower Subdivision of part of Original One Hundred Acre Lots Nos. 424 and 425 as shown by the recorded plat in Volume 5 of Maps, Page 2 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of Ambler Street, S.E. at a point 101-5/12 feet Northerly (measured along the Westerly line of Ambler Street S.E.) from the intersection of the Northerly line of Holton Avenue S.E., with the Westerly line of Ambler S.E.; thence Westerly parallel with the Northerly line of Holton Avenue S.E., 121 feet to the Westerly line of Sub-lot No. 15; thence Northerly along the Westerly line of Sub-lot No. 15 about 30 feet to the Northwesterly corner thereof; thence Easterly along the Northerly line of Sub-lots Nos. 15,14 and 13 121 feet to the Westerly line of Ambler Street S.E.; thence Southerly along the Westerly line of Ambler Street S.E., 30 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

EXHIBIT "B"

PPN 126-25-053 ✓

OK
DS
12/03/13

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being Sublot No. 31 of Elizabeth Hower's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 in said City. Said Sublot No. 31 has a frontage of 40 feet on the Westerly side of Ambler Street, 5.13., and extends back of equal width 121 feet deep, as per plat of said Subdivision recorded in Volume 5 of Maps, Page 2 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

EXHIBIT "C"

IMPROVEMENTS

Grantee shall redevelop the property by constructing a 12' x 35' signal building to code. Grantee shall also install landscaping between the two properties as well as a fence set-back close to the newly constructed building; both to code. If applicable, Grantee shall also remove the driveway apron and reinstate the curb and tree lawn in compliance with the City code. Property improvements shall be approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee. Upon the City's written request, Grantee shall deliver to the City (to be retained by the City), plans and specifications for all improvements in sufficient detail to demonstrate Grantee's full compliance with all applicable state and local laws.