

RESOLUTION NO. 2015-84

AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO GRANT A PERPETUAL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO THE OHIO DEPARTMENT OF TRANSPORTATION ACROSS LAND KNOWN AS PERMANENT PARCEL NO. 121-22-027, AT THE EAST 105<sup>TH</sup> STREET RED LINE TRANSIT STATION

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) owns property known as Cuyahoga County Permanent Parcel No. 121-22-027 at the East 105<sup>th</sup> Street Red Line Transit Station; and

WHEREAS, the Ohio Department of Transportation (ODOT) requires certain property for a public purpose, namely demolition and reconstruction of a bridge for the Opportunity Corridor Project; and

WHEREAS, ODOT needs both a permanent easement (approximately 0.033 acres) on the parcel as well as a temporary construction easement (approximately 0.107 acres) to allow the contractor periodic access throughout the 30 month duration of the project at the East 105<sup>th</sup> Street property; and

WHEREAS, a Notice of Intent To Acquire and Good Faith Offer for GCRTA property at the East 105<sup>th</sup> Street Red Line Transit Station has been provided to GCRTA by ODOT; and

WHEREAS, a perpetual easement and temporary construction easement would encumber approximately 0.140 acres of Permanent Parcel No. 121-22-027 and would not interfere with GCRTA's present or future use of the station or create any safety hazards; and

WHEREAS, as consideration for the easements ODOT will compensate GCRTA \$1,270.00 for the perpetual easement and \$1,030.00 for the temporary construction easement, totaling \$2,300.00, based a upon value analysis completed by a licensed appraiser; and

WHEREAS, the easements will enable ODOT to improve the parcel by demolishing, then rebuilding a bridge on the property.


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 both the perpetual and temporary easement to ODOT over approximately 0.140 acres of Permanent Parcel No. 121-22-027 at the East 105<sup>th</sup> Street Red Line Transit Station for the price of \$2,300.

Section 2. That the General Manager/Secretary-Treasurer be, and hereby is authorized to execute all documents required to grant the easements.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: August 18, 2015

  
\_\_\_\_\_  
President

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



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

TITLE/DESCRIPTION		Resolution No.: 2015-84
CONTRACT:	GRANT OF PERPETUAL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PPN 121-22-027	Date: August 13, 2015
VENDOR:	OHIO DEPARTMENT OF TRANSPORTATION	Initiator: Programming and Planning
AMOUNT:	REVENUE GENERATING: \$2,300.00	
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: Authorize the General Manager/Secretary-Treasurer to grant a perpetual easement and temporary construction easement to the Ohio Department of Transportation (ODOT) for 0.140 total acres adjacent to the East 105<sup>th</sup> Street Red Line Rapid Transit Station in Cleveland, Ohio.
- 2.0 DESCRIPTION/JUSTIFICATION: ODOT has requested a perpetual easement of approximately 0.033 acres and a temporary construction easement of approximately 0.107 acres on Permanent Parcel No. 121-22-027 for the purpose of utility construction, relocation and/or utility maintenance work deemed necessary by the State of Ohio.
- 3.0 PROCUREMENT BACKGROUND: Not Applicable.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Not Applicable
- 5.0 POLICY IMPACT: The granting of the easements will assist ODOT in completion of the Opportunity Corridor Project.
- 6.0 ECONOMIC IMPACT: Based upon a value analysis completed by a licensed appraiser, GCRTA has determined that the ODOT offer of \$1,270.00 for the permanent easement and \$1,030.00 for the temporary easement (\$2,300.00 total) is fair and reasonable.
- 7.0 ALTERNATIVES: Deny the easements.
- 8.0 RECOMMENDATION: This was reviewed and approved by the Planning & Development Committee at the August 4, 2015 meeting. Staff recommends that the Board of Trustees approve the resolution to authorize granting the perpetual easement for approximately 0.033 acres and the temporary construction easement of approximately 0.107 acres on PPN 121-22-027 to ODOT.
- 9.0 ATTACHMENTS: Draft Perpetual Easement and Temporary Construction Easement.

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

  
\_\_\_\_\_  
CEO/General Manager/Secretary-Treasurer



Rev. 09/2013

## NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER

March 20, 2015

The Greater Cleveland Regional Transit Authority  
Quebec Avenue  
Cleveland, Ohio 44106

Re: CUY 10-20.98  
Parcel Number: 3015  
Interest Acquired: SH, T

---

### THE NOTICE OF INTENT TO ACQUIRE

TO: The Greater Cleveland Regional Transit Authority

The Ohio Department of Transportation ["ODOT"] needs your property for a highway project identified as CUY 10-20.98 and will need to acquire the following from you:

*Parcel 3015 SH is a Standard Highway Easement needed for the roadway project. The Standard Highway Easement is a permanent easement being acquired in the State's name.*

*Parcel 3015 T is a Temporary Construction Easement needed for the contractor to periodically access a portion of your property throughout the 30 month duration of the project. This property will remain under the current ownership.*

Ohio law authorizes ODOT to obtain Parcels 3015 SH, T from your property for the public purpose of a highway project. The legal description of your property that ODOT needs for the highway project is set out in the Good Faith Offer that is included with this Notice of Intent to Acquire, that legal description is referred to as **Exhibit A** in the Good Faith Offer.

The Good Faith Offer included with this Notice of Intent to Acquire is ODOT's determination of the fair market value of your property. This fair market value (FMV) is what a willing buyer who is under no compulsion to buy and a willing seller who is under no compulsion to sell would value your property on the open market.

You will have a minimum of 30 days from the time you receive the Good Faith Offer included with this Notice of Intent to Acquire to accept or reject the offer. We are available to discuss the offer with you at any time. If you reject the offer or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

**HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:**

1. By law, ODOT is required to make a good faith effort to purchase Parcels 3015 SH, T.
2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to ODOT establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and ODOT is not required to agree to your demands.
4. You are to be provided a copy of the valuation document during the first negotiation visit by an agent of ODOT.
5. You are to be provided with pertinent parts of the highway plans which are:  

Summary Sheet, Right of Way Plan Sheets, Typical Sheets, Plan & Profile Sheets,  
Cross Section Sheets & Drive Profile (if applicable)
6. The Plan Letter Attachment included with the Good Faith Offer attached to this Notice Of Intent To Acquire describes the interest in the real property that is to be acquired from you, the description and location of the real property to be acquired, and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled "When ODOT Needs Your Property". This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter.
9. You have the right to object to ODOT's decision to acquire your property by writing, within ten business days of receiving this notice, to:

Governor John Kasich  
Care of: Ohio Department of Administrative Services  
General Services Division  
Real Estate Services  
4200 Surface Road  
Columbus, Ohio 43228-1395

And to:

Jerry Wray, Director  
Ohio Department of Transportation  
1980 West Broad Street  
Mailstop 1000  
Columbus, Ohio 43223

The Governor has the discretion to veto this project, and if he does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 3015 SH, T, ODOT has the right to file suit to acquire Parcels 3015 SH, T by eminent domain in the county in which the property is located. This action, referred to as an "appropriation proceeding" ensures your rights will be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.
11. When filing the appropriation, the Director of Transportation will deposit the value of the property sought to be acquired with the court. At that time, ODOT gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If you agree to accept the deposited money as full payment, the appropriation case will be closed.
12. If you are not satisfied with the amount of the deposit, you must file an answer with the court in the manner and within the time specified in the summons which is served upon you by the court. Once the answer is filed, you may apply to the court to withdraw the deposited money, subject to the rights of any other parties having an interest in the property. Withdrawing your share of the deposit does not interfere with your right to have a jury determine the FMV of your property. Interest will not accrue on any money deposited under this procedure. If the money withdrawn under this procedure should exceed the final award, the owner will be required to return the excess payment.
13. As part of your answer you may request a trial by jury. After a trial, a jury will decide the amount you are to be awarded for your property that is acquired, for the damage that is caused by the acquisition, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial you may testify and present evidence as to the value of your property.
14. If your property qualifies as an "Agricultural Use" as defined under ORC 163.21 (C)(2), and a jury awards you an amount that is more than 150% of ODOT's final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
15. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

**THE GOOD FAITH OFFER**

The amount offered to you in good faith as just compensation for the acquisition of Parcel 3015 SH, T, of Project CUY 10-20.98 is:

Real Property To Be Acquired .....\$1,270.00  
Damages To Your Property Which Is Not Acquired.....\$0.00  
Temporary Construction Easement .....\$1,030.00  
Total Good Faith Offer .....\$2,300.00

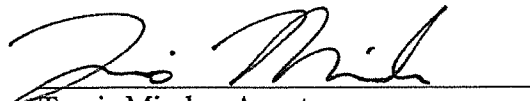
Tenant-owned improvements, if any, are to be identified in this Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. **There are no tenant owned improvements on this parcel.**

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that ODOT may conclude this acquisition of property without obtaining a partial release of such mortgage lien from your lender. In that event, you as the borrower and grantor of the mortgage lien should consult your loan and mortgage documents concerning possible requirements to apply proceeds from a public acquisition to your outstanding loan balance, or contact your lender about responsibilities and obligations when part of your property is acquired for public use.

While ODOT may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning this matter, you may contact us at:

Travis Missler, Agent  
O.R. Colan Associates  
22710 Fairview Center Drive  
Fairview Park, Ohio 44126  
(440) 827-6116 ext. 217

Respectfully,



---

Travis Missler, Agent  
O.R. Colan Associates

**ACKNOWLEDGMENT OF RECEIPT  
OF  
NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER**

Re: CUY 10-20.98  
Parcel Number: 3015  
Interest Acquired: SH, T

Each of the undersigned acknowledges that a copy of the foregoing Notice of Intent to Acquire and Good Faith Offer was delivered to the undersigned by ODOT. This Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has waived or will waive any objections the undersigned might have, to ODOT's efforts to acquire the undersigned's property. Furthermore, the undersigned's signature on this Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has accepted or will accept any of the terms, provision or conditions set out in this Good Faith Offer.

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)

**EXHIBIT A**

Page 1 of 3

RX 270 SH

Rev. 06/09

Ver. Date 12/18/2014

PID 98695 <sup>17</sup>

**PARCEL 3015-SH  
CUY-10-20.98  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

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]**

---

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:


**COMMENCING** at the intersection of Southwest corner of Lot 30 of the E.S. Willard's Subdivision as shown in Plat Book 4, Page 48 and the East Right of Way line of E. 105th Street (Right of Way Varies) as dedicated in the City of Cleveland Agreement Records Volume 1, Page 148, at 25.00 feet Right of the existing centerline of E. 105th Street at station 15+73.81, also at 2.00 feet Right of the proposed centerline of State Route 10 at station 149+08.74;

**THENCE** with the East right of way line of E. 105th Street, **South 00 Degrees 44 Minutes 23 Seconds East** for a distance of **316.92 feet** to the Grantor's Northwest line at 25.00 feet Right of the existing centerline of E. 105th Street at station 12+26.89, also at 32.45 feet Right of the



**EXHIBIT A**

Page 2 of 3

Rev. 06/09 

RX 270 SH

proposed centerline of State Route 10 at station 145+66.09 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the Grantor's Northwest line the following two (2) courses:

- 1) **North 54 Degrees 53 Minutes 07 Seconds East** for a distance of **15.38 feet** at **43.29 feet Right** of the proposed centerline of State Route 10 at station **145+76.74**;
- 2) **North 54 Degrees 48 Minutes 32 Seconds East** for a distance of **25.63 feet** at **61.50 feet Right** of the proposed centerline of State Route 10 at station **145+94.22**;

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of **60.04 feet**, a **RADIUS** of **1698.50 feet**, a **TANGENT LENGTH** of **30.02 feet**, a **DELTA ANGLE** of **02 Degrees 01 Minutes 31 Seconds**, with a **CHORD BEARING** of **South 10 Degrees 14 Minutes 51 Seconds West** and a **CHORD DISTANCE** of **60.04 feet** to the Grantor's Southeast line at **61.50 feet Right** of the proposed centerline of State Route 10 at station **145+36.36**;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of **27.02 feet** to the East Right of Way line of E. 105th Street at **25.00 feet Right** of the existing centerline of E. 105th Street at station **11+76.00**, also at **42.86 feet Right** of the proposed centerline of State Route 10 at station **145+17.39**;

**THENCE** with the East Right of Way line of E. 105th Street, **North 00 Degrees 44 Minutes 23 Seconds West** for a distance of **50.89 feet BACK TO THE TRUE POINT OF BEGINNING**.

The above-described parcel contains 0.033 acres total (1,426 square feet), including 0.000 acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number 121-22-027.

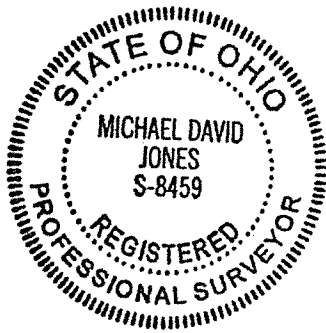
The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of North 88 Degrees, 56 Minutes, 23 Seconds East, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

**EXHIBIT A**

RX 270 SH

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.



**Burgess and Niple, Inc.**

*Michael D. Jones* 12/18/2014  
\_\_\_\_\_  
Michael D. Jones PS Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



*Timothy P. Hadden* 12/22/14  
\_\_\_\_\_  
Timothy P. Hadden PS Date  
Ohio Reg. No. 6786

**EXHIBIT A**

Page 1 of 3

Rev. 01/14 *AL*

RX 286 T

Ver. Date 12/18/2014

PID 98695

**PARCEL 3015-T  
CUY-10-20.98  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
COMPLETE BRIDGE WORK  
FOR 30 MONTHS FROM DATE OF ENTRY BY THE  
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:

**COMMENCING** at the intersection of the Grantor's Southeast line and East Right of Way line of State Route 10 at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+36.36 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the East Right of Way line of State Route 10, on a non-tangent curve to the Left, with an **ARC LENGTH** of 60.04 feet, a **RADIUS** of 1,698.50 feet, a **TANGENT LENGTH** of 30.02 feet, a **DELTA ANGLE** of 02 Degrees 01 Minutes 31 Seconds, with a **CHORD BEARING** of North 10 Degrees 14 Minutes 51 Seconds East and a **CHORD DISTANCE** of 60.04 feet to the Grantor's Northwest line at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+94.22;

**THENCE** with the Grantor's Northwest line, North 54 Degrees 48 Minutes 32 Seconds East for a distance of 107.68 feet at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+63.68;

**EXHIBIT A**

Page 2 of 3

Rev. 01/14

RX 286 T

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of **58.56** feet, a **RADIUS** of **1777.00** feet, a **TANGENT LENGTH** of **29.28** feet, a **DELTA ANGLE** of **01 Degrees 53 Minutes 17 Seconds**, with a **CHORD BEARING** of **South 07 Degrees 44 Minutes 53 Seconds West** and a **CHORD DISTANCE** of **58.56** feet to the Grantor's Southeast line at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+09.73;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of **110.57** feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above-described parcel contains 0.107 acres total (4,668 square feet), including 0.000 acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number 121-22-027.

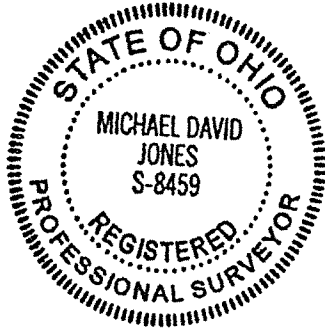
The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of North 88 Degrees, 56 Minutes, 23 Seconds East, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

**EXHIBIT A**

RX 286 T

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.



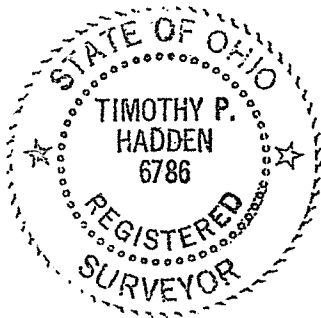
**Burgess and Niple, Inc.**

*Michael D. Jones* 12/18/2014

Michael D. Jones, P.S. Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



*Timothy P. Hadden* 12/22/14  
Timothy P. Hadden PS Date  
Ohio Reg. No. 6786

## PLAN LETTER ATTACHMENT

CUY 10-20.98

3015 SH, T

**Date of offer:** March 20, 2015

To avoid any misunderstanding as to the work to be done, you are being furnished this plan letter attachment and a print of the right of way plan sheets applicable to your parcel and associated construction plan sheets, if applicable. The following explains the type of acquisition and what to look for on the plans provided. Changes to the plan required by engineering revisions or as agreed to in negotiations will be documented in writing by the Department of Transportation or its representatives.

This project consists of the reconstruction and widening of 0.15 miles of E. 105<sup>th</sup> Street from Quincy Avenue to just south of Norman Avenue. Work includes pavement, drainage, waterwork, lighting, power distribution, traffic control, landscaping, reconstruction and widening of the existing bridge over GCRTA/Norfolk Southern Railways and adjustment of utility appurtenances. Construction of 0.42 miles of the Opportunity Corridor Roadway on new alignment from East 93<sup>rd</sup> Street to Quincy Avenue. Work includes pavement, drainage, lighting, traffic control and landscaping. ***THIS PROJECT SHALL BE COMPLETED IN A DESIGN BUILD FORMAT. This means there are no construction plans from which to reference.***

The real property needed for the CUY 10-20.98 (Opportunity Corridor) project requires the acquisition of only a part of your property. The agency needs to acquire from you parcels 3015 SH, T. The acquisition is further explained as follows.

### Parcel 3015 SH

Parcel 3015 SH is defined as a Standard Highway Easement and this modifier is used to acquire rights of way for a highway improvement where fee simple title is not required and limitation of access from adjoining land is not desired. This means that the residue property still has access to the road or highway. You will notice that the SH area is colored-in in green on the right of way Topo Sheet 27 of 34 and Boundary Sheet 28 of 34. The gross SH taking contains 0.033 acres as shown on the Summary Sheet page 10 of 34. This area is needed to complete bridge work. The area to be acquired is located on the northeast side of E. 105<sup>th</sup> Street and is irregular in shape.

**Parcel 3015 T**

In order to accomplish the work, the State's contractor will need periodic access to a portion of your property throughout the 30 month duration of the project. This area is known as a Temporary Construction Easement. This area is shaded in yellow on the Summary of Additional Right of Way Sheet 10/34, the Right of Way Topo Sheets 27/34 and Boundary Sheet 28/34. This area is needed to complete bridge work. This area contains 0.107 acres from Cuyahoga County Auditor PPN 121-22-027. The area is located on the eastern edge of the SH easement.

**Structures, Improvements and Tenant-Owned Improvements**

The following items will be removed as part of the project:

**None**

**New Pavement/Grade/Swale**

New bridge decking will be installed above the areas being acquired on your property in line with the current path of the widened E 105<sup>th</sup> Street.

**Drainage**

Because this is a design build project there are no construction plans to note any new drainage items. However as with any urban project where a new road is created new underdrains (storm and sewer) will be added as part of the project.

**Gas, Oil and/or Water Lines**

We would appreciate being advised as to the location and ownership of any gas, water, or oil lines which might not appear on the plans.

**Sanitary Sewage Outlets**

State and County health laws do not permit sanitary sewage to outlet into road side drainage systems.

**Encroachments**

Encroachments are privately-owned items that occupy public right of way without permission and not compensable under Ohio law. Private owners are responsible for removing their encroachment items from the right of way as soon as possible. If left in place, encroachments are subject to removal by ODOT with the cost for that work charged to the owner. (Ohio revised Code, Section 5515 and 5589)

**Miscellaneous**

Please be advised that after this acquisition is completed, no improvements, including fencing, may be placed in the new permanent right of way without a written permit from the local District Office of the Ohio Department of Transportation.

Please allow me to advise you as a property owner you have rights and privileges, should you elect not to accept the offer, these rights are spelled out in the appropriation procedures, which are attached to the offer letter. If I can be of further assistance, please feel free to contact me at (440) 827-6116, ext. 217.

## EASEMENT

Know All Men By These Presents That: The Greater Cleveland Regional Transit Authority, the Grantor(s) herein, in consideration of the sum of \$1,270.00, to be paid by the State of Ohio, Department of Transportation, does hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 3015 SH

CUY 10-20.98

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF  
Cuyahoga County Current Tax Parcel No. 121-22-027  
Prior Instrument Reference: Deed Volume 13869, Page 547, Cuyahoga County Recorder's Office.

And the said Grantor(s), for itself and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.



The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated.

IN WITNESS WHEREOF The Greater Cleveland Regional Transit Authority has caused its name to be subscribed by \_\_\_\_\_, its duly authorized agent on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

THE GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY

By: \_\_\_\_\_

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me the subscriber, a Notary Public in and for said state and county, personally came the above named \_\_\_\_\_, who acknowledged being the \_\_\_\_\_ and duly authorized agent of The Greater Cleveland Regional Transit Authority, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

**EXHIBIT A**

RX 270 SH

Page 1 of 3

Rev. 06/09 *JK*

Ver. Date 12/18/2014

PID 98695

**PARCEL 3015-SH  
CUY-10-20.98  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

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]

---

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:

**COMMENCING** at the intersection of Southwest corner of Lot 30 of the E.S. Willard's Subdivision as shown in Plat Book 4, Page 48 and the East Right of Way line of E. 105th Street (Right of Way Varies) as dedicated in the City of Cleveland Agreement Records Volume 1, Page 148, at 25.00 feet Right of the existing centerline of E. 105th Street at station 15+73.81, also at 2.00 feet Right of the proposed centerline of State Route 10 at station 149+08.74;

**THENCE** with the East right of way line of E. 105th Street, **South 00 Degrees 44 Minutes 23 Seconds East** for a distance of **316.92** feet to the Grantor's Northwest line at 25.00 feet Right of the existing centerline of E. 105th Street at station 12+26.89, also at 32.45 feet Right of the

**EXHIBIT A**

Page 2 of 3

Rev. 06/09 *ll*

RX 270 SH

proposed centerline of State Route 10 at station 145+66.09 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the Grantor's Northwest line the following two (2) courses:

- 1) **North 54 Degrees 53 Minutes 07 Seconds East** for a distance of **15.38** feet at **43.29** feet Right of the proposed centerline of State Route 10 at station **145+76.74**;
- 2) **North 54 Degrees 48 Minutes 32 Seconds East** for a distance of **25.63** feet at **61.50** feet Right of the proposed centerline of State Route 10 at station **145+94.22**;

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of **60.04** feet, a **RADIUS** of **1698.50** feet, a **TANGENT LENGTH** of **30.02** feet, a **DELTA ANGLE** of **02 Degrees 01 Minutes 31 Seconds**, with a **CHORD BEARING** of **South 10 Degrees 14 Minutes 51 Seconds West** and a **CHORD DISTANCE** of **60.04** feet to the Grantor's Southeast line at **61.50** feet Right of the proposed centerline of State Route 10 at station **145+36.36**;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of **27.02** feet to the East Right of Way line of E. 105th Street at **25.00** feet Right of the existing centerline of E. 105th Street at station **11+76.00**, also at **42.86** feet Right of the proposed centerline of State Route 10 at station **145+17.39**;

**THENCE** with the East Right of Way line of E. 105th Street, **North 00 Degrees 44 Minutes 23 Seconds West** for a distance of **50.89** feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above-described parcel contains **0.033** acres total (**1,426** square feet), including **0.000** acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number **121-22-027**.

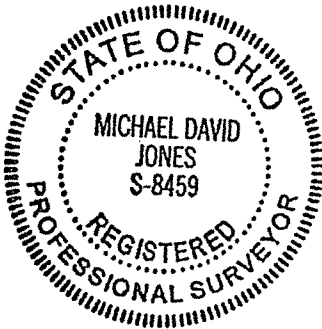
The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of **North 88 Degrees, 56 Minutes, 23 Seconds East**, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

**EXHIBIT A**

RX 270 SH

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.



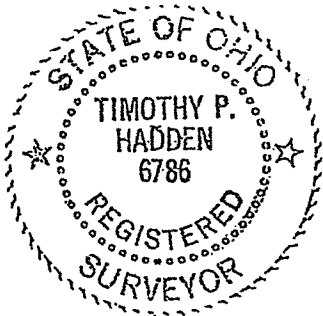
**Burgess and Niple, Inc.**

*Michael D. Jones* 12/18/2014

Michael D. Jones PS Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



*Timothy P. Hadden* 12/22/14

Timothy P. Hadden PS Date  
Ohio Reg. No. 6786

ODOT RE 214  
Rev. 09/2012

TE  
State

### TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: The Greater Cleveland Regional Transit Authority, the Grantor(s) herein, in consideration of the sum of \$1,030.00, to be paid by the State of Ohio, Department of Transportation, does hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 3015 T

CUY 10-20.98

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF  
Cuyahoga County Current Tax Parcel No. 121-22-027  
Prior Instrument Reference: Deed Volume 13869, Page 547, Cuyahoga County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is 30 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes for which the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

IN WITNESS WHEREOF The Greater Cleveland Regional Transit Authority has caused its name to be subscribed by \_\_\_\_\_, its duly authorized agent on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

THE GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY

By: \_\_\_\_\_

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me the subscriber, a Notary Public in and for said state and county, personally came the above named \_\_\_\_\_, who acknowledged being the \_\_\_\_\_ and duly authorized agent of The Greater Cleveland Regional Transit Authority, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

**EXHIBIT A**

RX 286 T

Page 1 of 3

Rev. 01/14<sup>TM</sup>

Ver. Date 12/18/2014

PID 98695

**PARCEL 3015-T  
CUY-10-20.98  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
COMPLETE BRIDGE WORK  
FOR 30 MONTHS FROM DATE OF ENTRY BY THE  
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:

**COMMENCING** at the intersection of the Grantor's Southeast line and East Right of Way line of State Route 10 at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+36.36 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the East Right of Way line of State Route 10, on a non-tangent curve to the Left, with an **ARC LENGTH** of 60.04 feet, a **RADIUS** of 1,698.50 feet, a **TANGENT LENGTH** of 30.02 feet, a **DELTA ANGLE** of 02 Degrees 01 Minutes 31 Seconds, with a **CHORD BEARING** of North 10 Degrees 14 Minutes 51 Seconds East and a **CHORD DISTANCE** of 60.04 feet to the Grantor's Northwest line at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+94.22;

**THENCE** with the Grantor's Northwest line, North 54 Degrees 48 Minutes 32 Seconds East for a distance of 107.68 feet at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+63.68;



**EXHIBIT A**

Page 2 of 3

Rev. 01/14 *JM*

RX 286 T

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of 58.56 feet, a **RADIUS** of 1777.00 feet, a **TANGENT LENGTH** of 29.28 feet, a **DELTA ANGLE** of 01 Degrees 53 Minutes 17 Seconds, with a **CHORD BEARING** of South 07 Degrees 44 Minutes 53 Seconds West and a **CHORD DISTANCE** of 58.56 feet to the Grantor's Southeast line at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+09.73;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of 110.57 feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above-described parcel contains 0.107 acres total (4,668 square feet), including 0.000 acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number 121-22-027.

The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of North 88 Degrees, 56 Minutes, 23 Seconds East, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

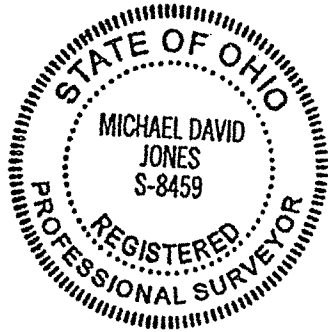
**EXHIBIT A**

RX 286 T

Page 3 of 3

Rev. 01/14 <sup>TM</sup>

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.

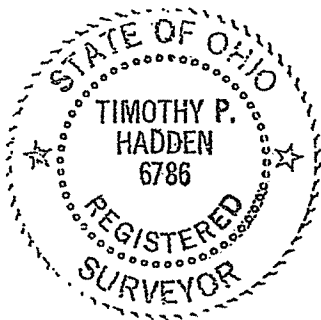


**Burgess and Niple, Inc.**

Michael D. Jones 12/18/2014  
Michael D. Jones, P.S. Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



Timothy P. Hadden 12/22/14  
Timothy P. Hadden PS Date  
Ohio Reg. No. 6786

**RESOLUTION OF  
The Greater Cleveland Regional Transit Authority**

WHEREAS, the State of Ohio desires to acquire a certain parcel or parcels of land for highway purposes on and over certain lands, owned by this Corporation, and more particularly described as follows:

PARCEL(S): 3015 SH, T  
CUY 10-20.98

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

WHEREAS, the State of Ohio has offered the sum of \$2,300.00 for the purchase of said certain parcel or parcels of land.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of The Greater Cleveland Regional Transit Authority that \_\_\_\_\_ shall be, and hereby is, the duly authorized, empowered and acting agent of The Greater Cleveland Regional Transit Authority for the purpose of executing and delivering to the State of Ohio all necessary instruments to effect a good and sufficient conveyance of said certain parcel or parcels of land from The Greater Cleveland Regional Transit Authority to the State of Ohio, for the hereinabove mentioned consideration.

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

I, \_\_\_\_\_, Secretary of The Greater Cleveland Regional Transit Authority, hereby certify that on \_\_\_\_\_, there was held a meeting of the Board of Directors of said corporation, at which a quorum was present; that this is a true and correct copy of a resolution adopted at said meeting, and that this resolution is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto subscribed my signature on \_\_\_\_\_.

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

**EXHIBIT A**

Page 1 of 3

Rev. 06/09

RX 270 SH

Ver. Date 12/18/2014

PID 98695

**PARCEL 3015-SH  
CUY-10-20.98  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

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]

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:

**COMMENCING** at the intersection of Southwest corner of Lot 30 of the E.S. Willard's Subdivision as shown in Plat Book 4, Page 48 and the East Right of Way line of E. 105th Street (Right of Way Varies) as dedicated in the City of Cleveland Agreement Records Volume 1, Page 148, at 25.00 feet Right of the existing centerline of E. 105th Street at station 15+73.81, also at 2.00 feet Right of the proposed centerline of State Route 10 at station 149+08.74;

**THENCE** with the East right of way line of E. 105th Street, **South 00 Degrees 44 Minutes 23 Seconds East** for a distance of **316.92** feet to the Grantor's Northwest line at 25.00 feet Right of the existing centerline of E. 105th Street at station 12+26.89, also at 32.45 feet Right of the

**EXHIBIT A**

Page 2 of 3

Rev. 06/09

RX 270 SH

proposed centerline of State Route 10 at station 145+66.09 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the Grantor's Northwest line the following two (2) courses:

- 1) **North 54 Degrees 53 Minutes 07 Seconds East** for a distance of **15.38** feet at 43.29 feet Right of the proposed centerline of State Route 10 at station 145+76.74;
- 2) **North 54 Degrees 48 Minutes 32 Seconds East** for a distance of **25.63** feet at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+94.22;

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of **60.04** feet, a **RADIUS** of **1698.50** feet, a **TANGENT LENGTH** of **30.02** feet, a **DELTA ANGLE** of **02 Degrees 01 Minutes 31 Seconds**, with a **CHORD BEARING** of **South 10 Degrees 14 Minutes 51 Seconds West** and a **CHORD DISTANCE** of **60.04** feet to the Grantor's Southeast line at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+36.36;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of **27.02** feet to the East Right of Way line of E. 105th Street at 25.00 feet Right of the existing centerline of E. 105th Street at station 11+76.00, also at 42.86 feet Right of the proposed centerline of State Route 10 at station 145+17.39;

**THENCE** with the East Right of Way line of E. 105th Street, **North 00 Degrees 44 Minutes 23 Seconds West** for a distance of **50.89** feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above-described parcel contains 0.033 acres total (1,426 square feet), including 0.000 acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number 121-22-027.

The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of North 88 Degrees, 56 Minutes, 23 Seconds East, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

**EXHIBIT A**

RX 270 SH

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.



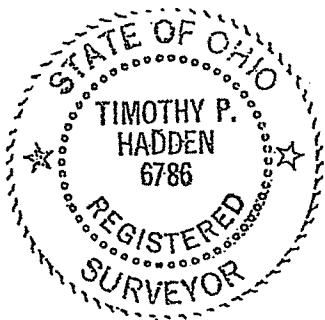
**Burgess and Niple, Inc.**

*Michael D. Jones* 12/18/2014

Michael D. Jones PS Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



*Timothy P. Hadden* 12/22/14

Timothy P. Hadden PS Date  
Ohio Reg. No. 6786

**EXHIBIT A**

Page 1 of 3

RX 286 T

Rev. 01/14

Ver. Date 12/18/2014

PID 98695

**PARCEL 3015-T  
CUY-10-20.98  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
COMPLETE BRIDGE WORK  
FOR 30 MONTHS FROM DATE OF ENTRY BY THE  
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Cuyahoga, City of Cleveland and being located in Original One Hundred Acre Lot No. 410, Township 7, Range 12 of the Connecticut Western Reserve and being part of Original One Hundred Acre Lot No. 410 as shown in "Map of Cuyahoga County, Ohio" showing the Original Township Lots by Albert S. Porter, County Engineer (M-3760) of the Cuyahoga County Records. The herein described parcel lies on the right side of proposed State Route 10. All stations and offsets are based on the Right-of-Way plans prepared by Burgess & Niple for the Ohio Department of Transportation as shown on the centerline plat for CUY-10-20.98, as recorded in Plat Book 379, Page 46 & 47 of the Cuyahoga County Records. Being part of lands conveyed to the Grantor "THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY" (hereafter referred to as Grantor) as described in Deed Volume 13869, Page 547, also of the Cuyahoga County Recorder's Office and being more particularly described as follows:

**COMMENCING** at the intersection of the Grantor's Southeast line and East Right of Way line of State Route 10 at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+36.36 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the East Right of Way line of State Route 10, on a non-tangent curve to the Left, with an **ARC LENGTH** of 60.04 feet, a **RADIUS** of 1,698.50 feet, a **TANGENT LENGTH** of 30.02 feet, a **DELTA ANGLE** of 02 Degrees 01 Minutes 31 Seconds, with a **CHORD BEARING** of North 10 Degrees 14 Minutes 51 Seconds East and a **CHORD DISTANCE** of 60.04 feet to the Grantor's Northwest line at 61.50 feet Right of the proposed centerline of State Route 10 at station 145+94.22;

**THENCE** with the Grantor's Northwest line, North 54 Degrees 48 Minutes 32 Seconds East for a distance of 107.68 feet at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+63.68;



**EXHIBIT A**

Page 2 of 3

Rev. 01/14

RX 286 T

**THENCE** through the Grantor's lands, on a non-tangent curve to the Right, with an **ARC LENGTH** of 58.56 feet, a **RADIUS** of 1777.00 feet, a **TANGENT LENGTH** of 29.28 feet, a **DELTA ANGLE** of 01 Degrees 53 Minutes 17 Seconds, with a **CHORD BEARING** of South 07 Degrees 44 Minutes 53 Seconds West and a **CHORD DISTANCE** of 58.56 feet to the Grantor's Southeast line at 140.00 feet Right of the proposed centerline of State Route 10 at station 146+09.73;

**THENCE** with the Grantor's Southeast line, **South 55 Degrees 11 Minutes 38 Seconds West** for a distance of **110.57 feet BACK TO THE TRUE POINT OF BEGINNING.**

The above-described parcel contains 0.107 acres total (4,668 square feet), including 0.000 acres in the present road occupied (PRO), lying in Cuyahoga County Auditors parcel number 121-22-027.

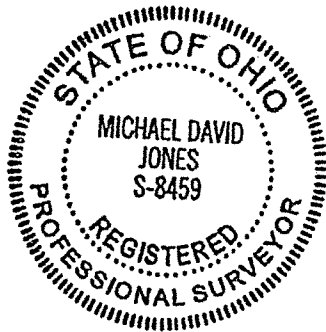
The basis of bearings in the above described parcel are based on Grid North as resolved by GPS observations and are based on the CUY-10-20.98 Project Control and expressed on the said Right-of-Way plans and Centerline Plat prepared by Burgess & Niple for the Ohio Department of Transportation, on the centerline of Quincy Avenue by a 1" Iron Pin Found in a monument box at the intersection of the centerline of Quincy Avenue with the East Right of Way line of East 93rd Street and a 1" Iron Pin Found in a monument box at the centerline intersection of Quincy Avenue and East 105th Street with a bearing of North 88 Degrees, 56 Minutes, 23 Seconds East, based on Ohio State Plane North Zone 3401, NAD83(CORS96) datum. All distances recited are ground distances.

All Iron Pins described as set are 3/4" x 30" rebar with a 2" aluminum cap stamped "ODOT RW, PS No. 8459, Burgess & Niple" and shall be placed upon notification from the Ohio Department of Transportation at the completion of construction.

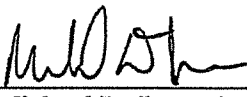
**EXHIBIT A**

RX 286 T

This description was prepared by Burgess & Niple, under the direct supervision of Michael D. Jones, P.S., Ohio License No. 8459 and is based on field surveys, centerline and boundary monument locations performed and certified by CT Consultants, beginning in September, 2013.

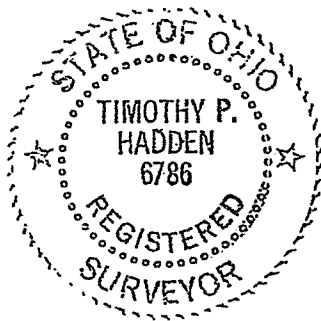


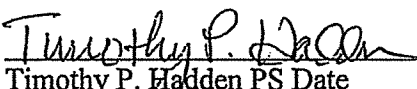
**Burgess and Niple, Inc.**

 12/18/2014  
Michael D. Jones, P.S. Date  
Ohio Reg. No. 8459

The location of all existing survey monuments used to determine centerlines, rights-of-way, and property lines as referenced herein were located in the field between September, 2013 and October, 2013 by CT Consultants, Inc. under the direct supervision of Timothy P. Hadden, Ohio Registered Surveyor No. 6786 and are based upon CUY-10-21.49 (Opportunity Corridor, PID 77333) primary project control coordinates initially submitted by Burgess & Niple and dated June 6, 2012.

**CT Consultants, Inc.**



 12/22/14  
Timothy P. Hadden PS Date  
Ohio Reg. No. 6786