

RESOLUTION NO. 2016-70

AMENDING CHAPTER 470 "REAL ESTATE POLICIES" OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, over the years, many of the resolutions have been amended; and

WHEREAS, at the present time, the Authority deems it necessary to review, revise and update the codified rules and regulations; and

WHEREAS, the Authority has conducted a review and determined that certain portions of Chapter 470 "Real Estate Policies" must be revised.

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

Section 1. That Sections 470.01 through 470.09 are hereby amended to read as follows:

470.01 ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by the GCRTA require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

470.02 DISPOSITIONS OF REAL PROPERTY.

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

470.03 LEASES.

(a) Leases of GCRTA-owned real property by GCRTA require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by another party, exceed twenty-five thousand dollars (\$25,000) in total revenue and are for a term of more than three years. GCRTA shall not enter into leases or temporary easements that provide for automatic renewals. Leases that do not exceed three years and provide total revenue less than or equal to twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General Manager/ Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use that would involve, during the total lease, a period exceeding three years and/or total revenue in excess of twenty-five thousand dollars (\$25,000).

(b) Leases by GCRTA of another party's real property require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by GCRTA, exceed twenty-five thousand dollars (\$25,000) in total cost and/or are for more than three years. GCRTA shall not enter into leases that provide for automatic

renewals. Leases that do not exceed three years and do not provide for total revenue in excess of twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use exceeding three years and/or that would involve, during the total lease, a cost in excess of twenty-five thousand dollars (\$25,000).

470.04 TEMPORARY EASEMENTS.

(a) The granting or acceptance of temporary easements for construction, access, use, etc. by GCRTA for a term less than three years and for less than twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval of the Board of Trustees.

(b) The granting or acceptance of temporary easements for construction, access, use, etc. by GCRTA for a term more than three years and for more than twenty-five thousand dollars (\$25,000) requires recommendation of the CEO, General Manager/Secretary-Treasurer and approval of the Board of Trustees.

470.05 PERMANENT EASEMENTS.

(a) The conveyance or acceptance of a permanent easement by GCRTA with a value less than two thousand five hundred dollars (\$2,500.00) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval of the Board of Trustees.

(b) The conveyance or acceptance of any permanent easement by GCRTA with a value equal to or in excess of two thousand five hundred dollars (\$2,500.00), requires recommendation of the CEO, General Manager/Secretary-Treasurer and approval of the Board of Trustees.

470.06 LICENSE AGREEMENTS.

(a) License agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000) in revenue/cost or exceed three years require recommendation by the CEO, General Manager/ Secretary-Treasurer and the approval of the Board of Trustees.

(b) License agreements that do not exceed twenty-five thousand dollars (\$25,000) in revenue/cost and do not exceed three years may be authorized by the CEO, General Manager/Secretary-Treasurer without approval by the Board of Trustees.

470.07 LIMITED USE AGREEMENTS.

(a) Limited use agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000) in revenue/cost or exceed three years require recommendation by the CEO, General Manager/ Secretary-Treasurer and the approval of the Board of Trustees.

(b) Limited use agreements that do not exceed twenty-five thousand dollars (\$25,000) and do not exceed three years may be authorized by the CEO, General Manager/

Secretary-Treasurer without approval by the Board of Trustees.

(c) Limited use agreements include, but are not limited to, use of Authority facilities for special events, filming agreements, permits to come upon and/or use GCRTA real property, construction staging area permits, and temporary right-of-way permits. Special events usage agreements are governed by GCRTA's policy on "Use of Authority Facilities for Special Events" found in Chapter 1066.

470.08 JOINT DEVELOPMENT AGREEMENTS.

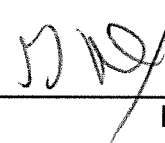
Joint development agreements require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

470.09 COMPLIANCE WITH FEDERAL REGULATIONS.

All real estate transactions involving federal funding must be reviewed to determine compliance with federal regulations.


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

Adopted: August 16, 2016



President

Attest:



CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AMENDING CHAPTER 470 "REAL ESTATE POLICIES" OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2016-70
	Date: August 11, 2016
	Initiator: Legal
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: This resolution will amend Chapter 470 of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The code book has been updated periodically. It is now time for a comprehensive review and update so that the updated Code will conform to the current structure and operations of the Authority.

Sections 470.03, 470.04, 470.06, and 470.07 are being amended to clarify when leases, temporary easements, licenses, and limited use agreements, respectively, require the approval of the Board of Trustees. Section 470.05 is being amended to increase the dollar amount that would require approval from the Board of Trustees to enact a conveyance or acceptance of a permanent easement. Section 470.09 is being amended to clarify that all real estate transactions using federal funds must be reviewed to determine compliance with federal regulations.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will result in a clear, accurate and current policy.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in Chapter 470 remaining out of date.
- 8.0 RECOMMENDATION: It is recommended that this resolution be adopted.
- 9.0 ATTACHMENTS: Redline copy of revisions to Chapter 470.

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

CEO, General Manager/Secretary-Treasurer

CHAPTER 470
Real Estate Policies

- 470.01 Acquisitions of real property.
- 470.02 Dispositions of real property.
- 470.03 Leases.
- 470.04 Temporary easements.
- 470.05 Permanent easements.
- 470.06 License agreements.
- 470.07 Limited use agreements.
- 470.08 Joint development agreements.
- 470.09 Compliance with ~~FTA~~ Federal regulations.

CROSS REFERENCES

- Board of Trustees - see ADM. Ch. 220
- CEO, General Manager/Secretary-Treasurer - see ADM. Ch. 242
- Use of Authority facilities for special events - see SER 1066.02
- Public assembly on Authority property - see VEH. & OP. Ch. 850
- Special event usage - Administrative Procedure No. 042

470.01 ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by the GCRTA require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10. Res. 2016-XXX. Passed 8-XX-16.)

470.02 DISPOSITIONS OF REAL PROPERTY.

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

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