

RESOLUTION 2020-90

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO GRANT TO THE NORTHEAST OHIO REGIONAL SEWER DISTRICT ("NEORS") A PERMANENT SUBTERRANEAN RIGHT-OF-WAY AND EASEMENT TO ACCESS AND MAINTAIN THE SHORELINE STORAGE TUNNEL ON PARCEL KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NUMBER 108-16-019, LOCATED AT THE DUPONT BUS LOOP ON DUPONT AVENUE, CLEVELAND, OHIO, FOR THE PRICE OF \$28,800.00

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") is the owner of record of the property known as Cuyahoga County Permanent Parcel Number 108-16-019 at the Dupont Bus Loop on Dupont Avenue in Cleveland, Ohio (the "Property"); and

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") wishes to construct a combined sewer overflow control project known as the Shoreline Storage Tunnel (the "Tunnel"); and

WHEREAS, the NEORS will require entrance to the Property for construction, access and maintenance of the Tunnel by way of a permanent subterranean right-of-way and easement; and

WHEREAS, the permanent right-of-way and easement covers 0.0915 acres or 3,985.74 square feet of the Property; and

WHEREAS, the permanent right-of-way and easement will not interfere with GCRTA's present or future use of the Property nor create any safety hazards; and

WHEREAS, the fair market value of the permanent right-of-way and easement has been determined by a certified appraisal.

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, Chief Executive Officer is hereby authorized to grant a permanent subterranean right-of-way and easement to the Northeast Ohio Regional Sewer District ("NEORS") under Permanent Parcel Number 108-16-019, located at the Dupont Bus Loop on Dupont Avenue (the "Property"), Cleveland, Ohio for the price of \$28,800.00.

Section 2. That the General Manager, Chief Executive Officer is hereby authorized to execute all documents required to grant the permanent right-of-way and easement to NEORS and allow access to the Property.

Section 3. That the funds received for granting this permanent right-of-way and easement will be deposited in the GCRTA General Fund.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: November 17, 2020



President

Attest:



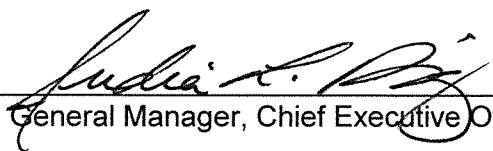
Interim Secretary-Treasurer



TITLE/DESCRIPTION: EASEMENT: GRANT OF PERMANENT SUBTERRANEAN EASEMENT TO THE NEORSD FOR THE SHORELINE STORAGE TUNNEL PROJECT ON PPN 108-16-019 IN CLEVELAND, OH. GRANTEE: NORTHEAST OHIO REGIONAL SEWER DISTRICT AMOUNT: \$28,800.00	Resolution No.: 2020-90
	Date: November 12, 2020
	Initiator: Programming & Planning
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 seeks Board approval to grant a permanent subterranean right-of-way and easement to the Northeast Ohio Regional Sewer District ("NEORSD") for the purpose of constructing, maintaining and having access to a new combined sewer overflow control project known as the Shoreline Storage Tunnel (the "Tunnel") under GCRTA property known as PPN 108-16-019 located at the Dupont Bus Loop, Cleveland, OH.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The easement for this Tunnel project consists of 0.0915 acres or 3,985.74 square feet at a depth of one hundred and ten feet below grade. The Tunnel is twenty-three feet in diameter. The Tunnel is part of the NEORSD combined sewer overflow project ("CSO") being constructed throughout Cuyahoga County known as "Project Clean Lake". The easement will not interfere with the present or future use of the GCRTA property nor create any safety hazards.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** The Real Estate Policies of the GCRTA specify that the Board of Trustees must approve any permanent easement with a value equal to or in excess of \$2,500.00. The easement described herein is a permanent easement under Chapter 470 of GCRTA's Code of Rules and Regulations.
- 6.0 **ECONOMIC IMPACT:** The value of the easement was determined by a certified appraisal and appraisal review to be \$28,800.00. The funds received for granting this easement will be deposited in the GCRTA General Fund.
- 7.0 **ALTERNATIVES:** The RTA can refuse to grant the easement.
- 8.0 **RECOMMENDATION:** Staff recommends the Board of Trustees approve the resolution to authorize granting the Permanent Right-of-way and Easement to the NEORSD.
- 9.0 **ATTACHMENTS:**
 - A. Draft Easement
 - B. Easement Location Map
 - C. Easement Legal Description

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


General Manager, Chief Executive Officer

SEWER EASEMENT

Part PPN: P07 (108-16-019)

KNOW ALL MEN BY THESE PRESENTS:

That the Greater Cleveland Regional Transit Authority, a regional transit authority organized and existing as a political subdivision of the State of Ohio under Chapter 306 of the Ohio Revised Code, acting pursuant to Resolution No. 2020- ____, adopted by its Board of Trustees on _____, 2020 the GRANTOR herein, claiming title by or through an instrument recorded in Volume 92-8935, Page 4, Cuyahoga County Records, for and in consideration of the sum of Twenty-Eight Thousand Eight Hundred Dollars (\$28,800.00), and other valuable consideration received in full satisfaction, does hereby give, grant, bargain and convey, to the NORTHEAST OHIO REGIONAL SEWER DISTRICT, a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. _____, adopted by its Board of Trustees on _____ 2020, the GRANTEE herein, the perpetual right of way and easement, for the purposes hereinafter mentioned, under the premises described in Exhibit "A" and shown on Exhibit "B," attached hereto and made a part hereof.

The easement and rights herein granted shall include the right of uninterrupted subterranean access, to and from the herein described premises for the purposes of installing, constructing, reconstructing, operating, repairing, inspecting and maintaining public sanitary

sewers together with appurtenances.

Whenever work and/or maintenance of any kind is performed on the Premises pursuant to the rights granted in this easement, the GRANTEE shall bear all responsibility for the prompt restoration, at the GRANTEE'S sole cost and expense, of the Premises and their environs to their original condition.

The GRANTOR hereby reserves the right to the use of said premises within the limits of the above described permanent easement for purposes which are not herein expressly prohibited by, and are not inconsistent with, the easement and rights herein granted, so long as said use does not interfere with the structural integrity of said sanitary sewers and appurtenances.

GRANTEE, to the extent allowed by law, agrees to hold harmless GRANTOR and GRANTOR's agents, representatives, employees, tenants, invitees, licensees, lessees, sublessees and assigns from and against all GRANTEE claims, actions, judgments, costs, penalties, liabilities, damages losses and expenses, including but not limited to attorney's fees and workers' compensation benefits, for GRANTEE's proportionate share and the proportionate share of any entity employed or contracted by GRANTEE arising out of or resulting from the use or exercise of the rights and privileges herein conferred.

GRANTEE shall procure and maintain at its sole cost and expense Commercial General Liability insurance for bodily injury and property damage coverage of at least \$10,000,000 per occurrence or claim and a general aggregate limit of at least \$10,000,000. Such insurance shall cover all of GRANTEE's operations both at and away from the project site. Such insurance shall not have any exclusion for Cross Liability or Cross-Suits. In addition the insurance shall not have any exclusion for Explosion, Collapse and Underground perils (xcu) and for construction or demolition work within 50 feet of railroad tracks, the contractual liability exclusion for liability assumed shall be deleted.

- a. This insurance shall include coverage for, but not be limited to:
- Premises and operations.
 - Products and completed operations.
 - Personal injury.
 - Advertising injury.
- b. Such insurance shall include the following endorsements:
- Additional Insured.
 - Separation of Insureds Clause.
 - Primary and Non-Contributory wording.
 - Waiver of Subrogation.

Products and completed operations insurance shall be maintained for the duration of this Easement. GRANTOR will accept any combination of primary CGL along with Excess or Umbrella policies to meet the minimum coverage requirements contained herein.

TO HAVE AND TO HOLD the above granted permanent easement, rights and right-of-way and its appurtenances to said GRANTEE, and to its successors and assigns forever.

And the GRANTOR, also binding successors and assigns, covenants with the said GRANTEE, and its successors and assigns, that, at and until the sealing of these presents, the GRANTOR is well seized of the above described premises as a good and indefeasible estate in fee simple, has good right to bargain and grant in the same manner and forms as above written, and will warrant and defend said premises with appurtenances thereunto belonging to the GRANTEE, its successors and assigns, against all lawful claims and demands whatsoever for the purposes herein described. Further, the undersigned warrants that he/she is the duly authorized, empowered, and acting agent of GRANTOR for the purpose of executing and delivering to GRANTEE all necessary instruments to effect a good and sufficient conveyance of said easement from GRANTOR to GRANTEE for the hereinabove mentioned consideration.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 2020.

**GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY**

India L. Birdsong
General Manager, Chief Executive Officer

APPROVED AS TO LEGAL FORM:

By _____
Sheryl King Benford, General Counsel
Deputy General Manager for Legal Affairs

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County and State, came the Greater Cleveland Regional Transit Authority by India L. Birdsong, its General Manager, Chief Executive Officer, who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of said political subdivision and the free act and deed of such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal at
_____ Ohio, this _____ day of _____, 2020.

NOTARY PUBLIC

The legal form of this instrument is approved.

Date: _____, 2020

Eric Luckage
Chief Legal Officer
Northeast Ohio Regional Sewer District

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells Chief
Executive Officer

AND: _____
Darnell Brown
President, Board of Trustees

This instrument prepared by:

Julie A. Blair
Assistant General Counsel
Northeast Ohio Regional Sewer District
3900 Euclid Avenue
Cleveland, Ohio 44115
(216) 881-6600

**Permanent Easement SST-P07
Across PPN 108-16-019
0.0915 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcels 4 and 5 in Lot Split and Consolidation Plat of Original One Hundred Acre Lot Nos. 355 and 362 as recorded in Volume 260, Page 60 of the Cuyahoga County Map Records. Also being part of the land conveyed to The Greater Cleveland Regional Transit Authority as recorded in Volume 13869, Page 547 (Parcel No. 176) and Volume 92-8935, Page 4 of the Cuyahoga County Records, being more definitely described as follows;

Commencing in northerly right of way of Dupont Avenue (40 feet wide) at the southeasterly corner of said Parcel 4;

Thence, along the easterly line of said Parcel 4, North 00° 51' 53" West, 106.78 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving said easterly line, South 66° 15' 30" West, 141.10 feet to the westerly line of said Parcel 5;

Thence, along the westerly line of said Parcels 4 and 5, North 00° 51' 54" West, 32.56 feet;

Thence, leaving said westerly line, North 66° 15' 30" East, 124.54 feet to the easterly line of said parcel 4;

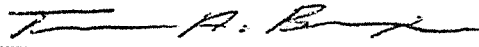
Thence, along the easterly line of said Parcel 4 the following two courses;

South 31° 21' 53" East, 30.06 feet;

Thence, South 00° 51' 53" East, 0.22 feet to the point of beginning.

Containing within said bounds 0.0915 acres (3,986 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2020.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

 2-10-20

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730 .

KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730



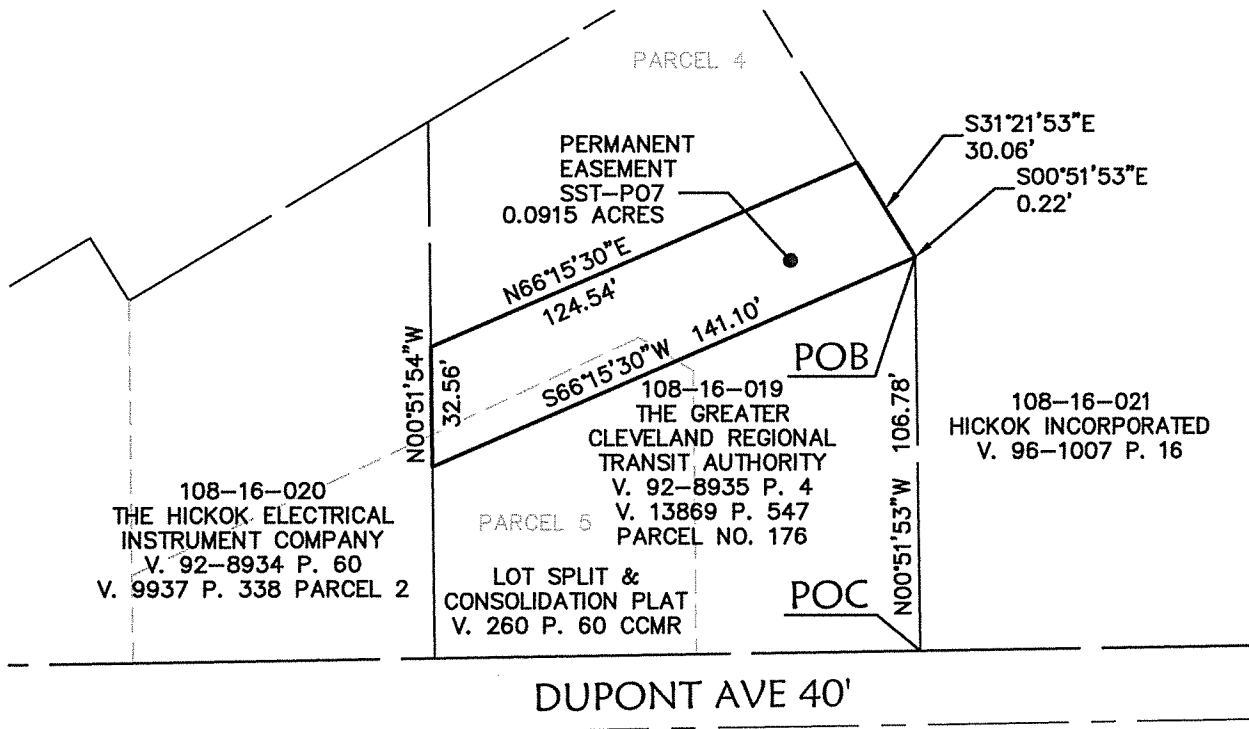
**PERMANENT EASEMENT
SST-P07**

Exhibit B

ACROSS PARCEL NO. 108-16-019
PART OF ORIGINAL 100 ACRE LOT NOS. 355 & 362
CITY OF CLEVELAND,
COUNTY OF CUYAHOGA,
STATE OF OHIO



SCALE: 1"=50'
FEBRUARY 7, 2020



ABBREVIATIONS

CCMR	CUYAHOGA COUNTY MAP RECORDS
P	PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
V	VOLUME

Trevor A. Bixler 2-10-20

TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730

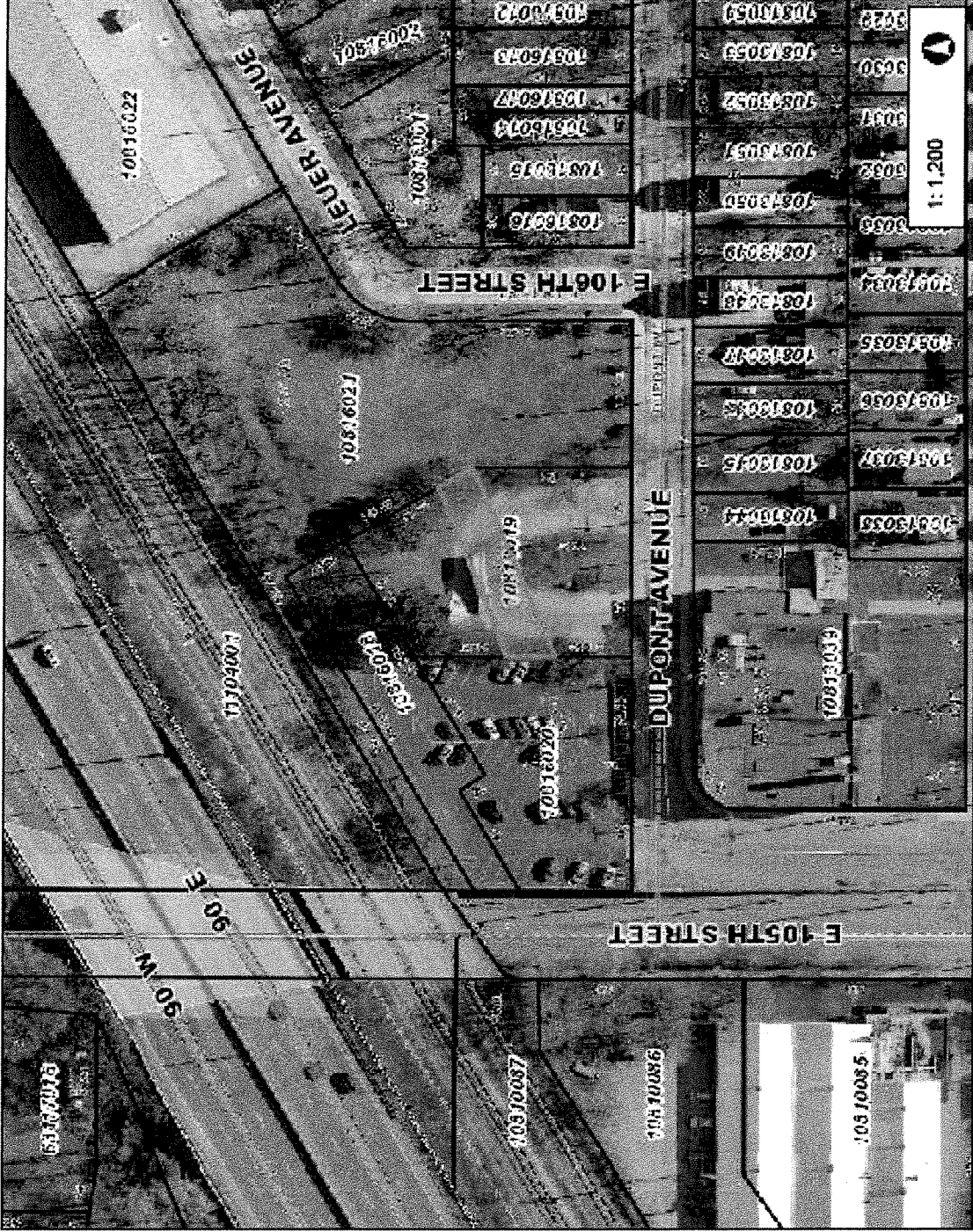


KS ASSOCIATES

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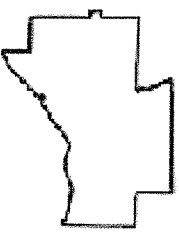
Attachment B - Shoreline Storage Tunnel (PPN 108-16-019)



1:1,200

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere



- Date Created: 9/8/2020
- Legend
- ▭ Municipalities
 - Right Of Way
 - Platted Centerline
 - ▭ Parcel

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