

RESOLUTION 2021-8

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO GRANT A PERMANENT RIGHT-OF-WAY AND EASEMENT TO THE EAST OHIO GAS COMPANY ("DOMINION") TO ACCESS AND MAINTAIN THE MEASURING AND REGULATING STATION ON CUYAHOGA COUNTY PERMANENT PARCEL NUMBER 671-07-002, LOCATED AT THE HAYDEN GARAGE IN EAST CLEVELAND, OHIO FOR THE PRICE OF \$10,000.00

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") is the owner of record of the property known as Cuyahoga County Permanent Parcel Number 671-07-002 at 1661 Hayden Avenue in East Cleveland, Ohio (the "Property"); and

WHEREAS, the East Ohio Gas Company ("Dominion") wishes to replace and maintain a metering station (the "Station"); and

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

WHEREAS, the permanent right-of-way and easement covers 0.068 acres or 2,962.08 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 comparisons with similar agreements.

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 right-of-way and easement to the East Ohio Gas Company ("Dominion") on Permanent Parcel Number 671-07-002, located at 1661 Hayden Avenue (the "Property"), East Cleveland, Ohio for the price of \$10,000.00.

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 Dominion 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: January 19, 2021

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
Interim Secretary-Treasurer



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|---|---|
| <b>TITLE/DESCRIPTION:</b><br><b>EASEMENT:</b> GRANT OF PERMANENT RIGHT-OF-WAY AND EASEMENT TO THE EAST OHIO GAS COMPANY ("DOMINION") TO ACCESS AND MAINTAIN THE MEASURING AND REGULATING STATION ON CUYAHOGA COUNTY PERMANENT PARCEL NUMBER 671-07-002, LOCATED AT THE HAYDEN GARAGE IN EAST CLEVELAND, OHIO FOR THE PRICE OF \$10,000.00<br><br><b>GRANTEE:</b> THE EAST OHIO GAS COMPANY ("DOMINION")<br><br><b>AMOUNT:</b> \$10,000.00 | <b>Resolution No.:</b><br>2021-8            |
|   | <b>Date:</b><br>January 14, 2021            |
|   | <b>Initiator:</b><br>Programming & Planning |
| <b>ACTION REQUEST:</b><br><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 right-of-way and easement to the East Ohio Gas Company ("Dominion") for the purpose of constructing, maintaining and having access to a measuring and regulating station (the "Station") on GCRTA property known as PPN 671-07-002 located at the Hayden Garage, East Cleveland, OH.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The easement for this Station consists of 0.068 acres or 2,962.08 square feet. The Station has been a fixture at the Property since GCRTA took ownership after the Mass Transit System Transfer Agreement from CTS in 1975. Dominion was also granted a Temporary Right of Entry to perform the construction in a separate document that was executed by the General Manager and effective on June 24, 2020 and subsequently extended so that the Temporary Right of Entry now expires on December 31, 2021.  
  
 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 to be \$10,000.00 by comparing what similar entities have paid. 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 Dominion.
- 9.0 ATTACHMENTS: A. Draft Easement  
B. Easement Legal Description  
C. Easement Location Map

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



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General Manager, Chief Executive Officer

ATTACHMENT A

DRAFT EASEMENT

**MEASURING & REGULATING STATION EASEMENT**

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. 2021-\_\_\_\_\_, adopted by its Board of Trustees on \_\_\_\_\_, 2021 the GRANTOR herein, claiming title by or through an instrument recorded in Volume 13869, Page 547, Cuyahoga County Records, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey, and warrant unto The East Ohio Gas Company d/b/a Dominion Energy Ohio, an Ohio corporation, having a principal place of business at 1201 East 55th Street, Attention: Land Services, Cleveland, Ohio, 44103, its successors and assigns (hereinafter called "Grantee"), the perpetual right-of-way and easement to lay, install, construct, maintain, operate, alter, repair, replace, service, inspect, conduct necessary tests, connect to, change the size of, abandon in place, relocate and remove above ground Measuring and Regulating Station(s), plus underground pipelines and other necessary above and below ground appurtenances (collectively the "Facilities"), all of which shall be and remain the property of Grantee, for the transmission of natural gas and all by-products thereof, over, under, across, and upon the lands described in this Easement, together with the right to excavate and refill ditches and trenches for the location of such Facilities, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of the Facilities, along with the right of ingress and egress to the Facilities at all times, on the following described land owned by Grantor, being the Subject Property.

**SUBJECT PROPERTY AND EASEMENT AREA**

Situated in the City of East Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original One Hundred Acre Lots Nos. 374 and 382 and part of Original Euclid Township Lots Nos. 4 and 5 in the Doan Tract.

Tax Parcel No(s): 671-07-002

Deed Reference(s): V13869/P677

The Facilities laid pursuant to this Easement will be located within the limits of an easement area deemed necessary by Grantee and further defined and depicted in Exhibit "A" (the "Easement Area"), attached hereto and made a part hereof.

Grantor shall not install, construct, or permit to be installed or constructed, any house, shed, tree, structure, or obstruction of any kind (collectively, the "Obstructions") on or over said Easement Area that will interfere with the construction, maintenance, or operation of the Pipeline Facilities constructed hereunder. Grantee has the right to remove the Obstructions on or over the Easement Area without liability to Grantor.

**TEMPORARY RIGHT OF ENTRY.** In addition to the Easement Area, Grantor grants Grantee an additional temporary right of entry for the purpose of enabling Grantee to construct, maintain, and repair the Facilities more efficiently (the "Temporary Right of Entry"). The Temporary Right of Entry is further depicted in the attached Exhibit "A" and further defined in the unrecorded Temporary Right of Entry Agreement between the parties, with an effective date of June 24, 2020. The automatic termination date in the Temporary Right of Entry Agreement is hereby extended by one year, to December 31, 2021.

**GRANTEE'S USE AND REPAIR.** Grantee shall repair, replace, or compensate Grantor for any harm or damage that Grantee inflicts upon Grantor's existing and permitted improvements within the Easement Area, or improvements outside the Easement Area in the process of Grantee exercising any of its herein declared rights upon the Subject Property.

**MISCELLANEOUS.** No implied covenant, agreement, or obligation shall be read into this Easement. Grantor represents and warrants that the individual executing this Easement on behalf of Grantor is a duly authorized representative of Grantor and has the authority to bind Grantor as set forth herein. This Easement shall be interpreted, enforced, and governed under the laws of the State of Ohio.

*THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK. SIGNATURE(S) TO FOLLOW.*

**IN WITNESS WHEREOF**, Grantor hereby acknowledges, understands, and agrees to all the contents, terms, conditions, restrictions, and effects of this instrument and grants this Easement by executing this document as of the \_\_\_\_ day of \_\_\_\_\_, 2021.

**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 )

**SWORN TO BEFORE ME**, the undersigned, a Notary Public in and for said County and State, personally appeared India L. Birdsong, as General Manager, Chief Executive Officer of the Greater Cleveland Regional Transit Authority, a political subdivision of the State of Ohio, and known to me or proved to me, on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged that they were authorized to execute the same on behalf of the political subdivision and did so as a free act and deed.

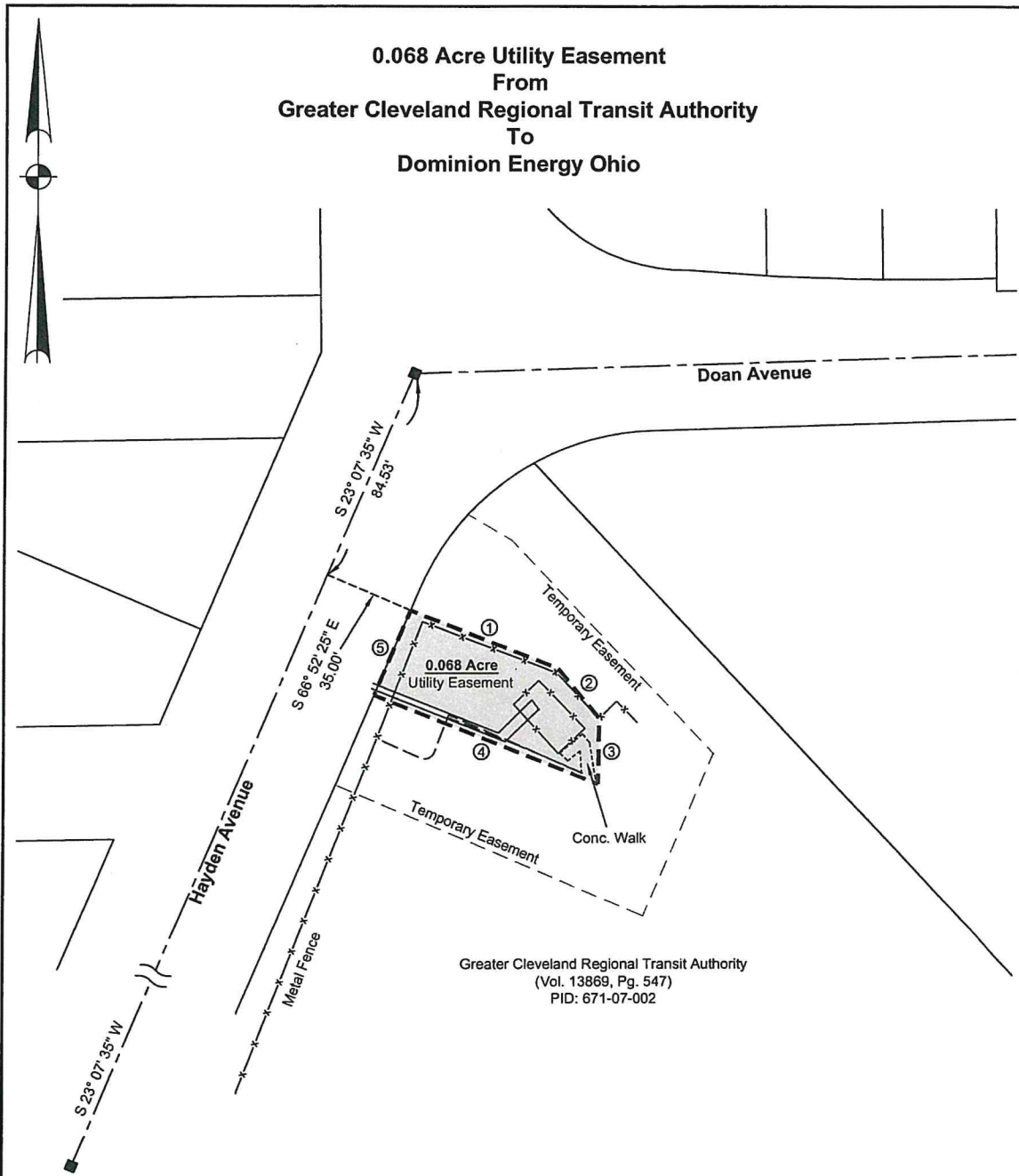
**WITNESS** my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

Ohio Law requires all parties to contact OHIO811 Before You Dig. Call 811 (or 1-800-362-2764) at least 48 hours but not more than 10 working days before digging or excavating. ORC - 3781.28 A&B

This Instrument Was Prepared By:  
Dominion Energy Ohio, 320 Springside Dr, Akron, OH 44333, October 2019  
File # \_\_\_\_\_ Reference # 19-0211 SAP # 63585198

**0.068 Acre Utility Easement  
From  
Greater Cleveland Regional Transit Authority  
To  
Dominion Energy Ohio**



Greater Cleveland Regional Transit Authority  
(Vol. 13869, Pg. 547)  
PID: 671-07-002

**Description of a 0.068 Acre Utility Easement**

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

Being part of Original Euclid Township Lot 5, part of a tract as conveyed to Greater Cleveland Regional Transit Authority by Deed Volume 13869, Page 547 of the Cuyahoga County Deed Records, and being more particularly described as follows:

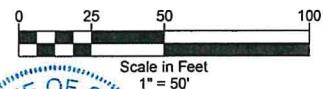
Beginning at a Monument Box found at the centerline intersection of Doan Avenue and Hayden Avenue;

Thence S 23° 07' 35" W along the centerline of Hayden Avenue, a distance of 84.53 feet to a point;

Thence S 66° 52' 25" E, a distance of 35.00 feet to a point on the southeast line of Hayden Avenue, said point being the **TRUE PLACE OF BEGINNING** of said Easement;

- 1) Thence S 68° 22' 20" E, a distance of 61.31 feet to a point;
- 2) Thence S 39° 32' 05" E, a distance of 24.95 feet to a point;
- 3) Thence S 0° 51' 30" W, a distance of 25.30 feet to a point;
- 4) Thence N 68° 22' 20" W, a distance of 93.07 feet to a point;
- 5) Thence N 23° 07' 35" E along the northwest line of said Greater Cleveland Regional Transit Authority parcel, which is the southeast line of Hayden Avenue, a distance of 35.70 feet to the **TRUE PLACE OF BEGINNING** and containing 0.068 acres of land, more or less, as determined by David Bodo & Associates, Inc. in September 2020, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this description was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made in September 2020 by David Bodo & Associates, Inc.



*Joseph D. Milano II*  
Joseph D. Milano II, P.S. 8457

Prepared by:  
**David Bodo & Associates, Inc.**  
Professional Surveyors  
5175 Tonga Rd NW  
Carrollton, Ohio 44615 (330) 863-2300  
Date: October 12, 2020 JOB No. 20215

