

RESOLUTION 2022-12

AUTHORIZING AN INTERAGENCY AGREEMENT WITH SHAKER HEIGHTS PROVIDING FOR SHAKER HEIGHTS TO CONTRIBUTE TOWARDS THE COST OF RELOCATING AN ELECTRICAL DUCT BANK FOR SERVICE TO THE WARRENSVILLE/VAN AKEN SUBSTATION IN AN AMOUNT UP TO \$114,643.98

WHEREAS, in 1975, the City of Shaker Heights ("City") and the Greater Cleveland Regional Transit Authority ("GCRTA") entered into a Mass Transit System Transfer Agreement ("Transfer Agreement"), which sets forth the respective rights and property interests between the City and GCRTA regarding the transfer of the properties and assets of the City's transit system to GCRTA, for the purpose of providing a comprehensive, coordinated public mass transportation system for Cuyahoga County; and

WHEREAS, pursuant to and in furtherance of the Transfer Agreement, the City granted certain easements to GCRTA in a Loop and Storage Yard Easement dated April 8, 1977 ("Easement") and the City leased certain property to GCRTA in a Lease Agreement dated August 10, 1976 ("Lease"); and

WHEREAS, in 2016, the City and GCRTA entered into an Amendment to Loop and Yard Permanent Easement and Transfer Agreement and Termination of Lease Agreement, wherein the City and GCRTA amended the Easement and Transfer Agreement and terminated the Lease, to reflect changes to GCRTA's facilities and the re-configuration of the intersection of Warrensville Center Rd. and Van Aken Blvd. related to the creation of potential transit-oriented development opportunities; and

WHEREAS, GCRTA is installing a new electrical substation within its Easement, as amended, just north of its Warrensville/Van Aken Blue Line Station, including the installation of high-voltage electrical power by the Cleveland Electric Illuminating Company ("CEI"); and

WHEREAS, GCRTA had previously removed an old substation from the vicinity of the Warrensville/Van Aken Blue Line Station and ceased to use the site of the old substation for transit purposes; and

WHEREAS, as part of its Van Aken District Development Project, the City has identified a potential transit-oriented development site ("Site") just east of the Warrensville/Van Aken Blue Line Station; and

WHEREAS, the CEI duct bank ("Duct Bank") that served the old substation is not currently operational and will require the installation of new cables; and

WHEREAS, the location of the Duct Bank conflicts with the potential development of the Site in the future; and

WHEREAS, both the City and GCRTA will benefit from relocating the Duct Bank in conjunction with the ongoing CEI project to provide power to GCRTA's new substation; and

WHEREAS, the City and GCRTA have reached an agreement regarding the sharing of costs related to relocation of the Duct Bank; and

WHEREAS, the General Manager, Chief Executive Officer deems the proposed interagency agreement to be in the best interest of GCRTA and recommends acceptance thereof by the Board of Trustees.

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


Section 1. That the offer of the City of Shaker Heights ("City") to share in the costs of relocating the Cleveland Electric Illuminating Company ("CEI") duct bank ("Duct Bank") is hereby accepted. The current total estimated cost of the relocation of the CEI duct bank is \$189,786.57. GCRTA will apply the \$26,009.45 cost of installing electrical service at the current location to the relocation cost. The remaining cost of \$163,777.12 will be divided equally between the City and GCRTA, with each party contributing \$81,888.56. If there are any unanticipated construction costs above the \$163,777.12, the parties will split the unanticipated costs equally, until the City's total contribution reaches \$114,643.98. Thereafter, GCRTA will be responsible for any remaining unanticipated construction costs.

Section 2. That the General Manager, Chief Executive Officer be and is hereby authorized to enter into an interagency agreement with the City to share the costs of the relocation of the Duct Bank.

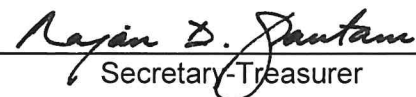
Section 3. That the GCRTA Board respectfully requests that the City of Shaker Heights amend its Ordinance No. 21-114 to reflect the "50-50" cost sharing referred to in Section 1 of this resolution.

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

Adopted: January 25, 2022



President

Attest: 

Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: INTERAGENCY AGREEMENT WITH SHAKER HEIGHTS PROVIDING FOR SHAKER HEIGHTS TO CONTRIBUTE TOWARDS THE COST OF RELOCATING AN ELECTRICAL DUCT BANK FOR SERVICE TO THE WARRENSVILLE/VAN AKEN SUBSTATION AMOUNT: UP TO \$114,643.98	Resolution No.: 2022-12
	Date: January 20, 2022
	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 seeks Board approval for an interagency agreement with the City of Shaker Heights (“City”) for the purpose of sharing the costs of relocating an existing electrical duct bank in conjunction with extending electric service to the new Warrensville Van Aken Substation located north and west of the terminus of the Blue Line in Shaker Heights, Ohio.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The existing duct bank crosses a parcel that is owned by the City and available for transit-oriented development. Amending the utility agreement with the Cleveland Electric Illuminating Company (“CEI) and relocating the existing duct bank into the right-of-way of Chagrin Road and Tuttle Road will facilitate the potential for transit-oriented development. It will also prevent future disruption of electrical service to the new Warrensville/Van Aken substation. Because the City has an interest in promoting development on its parcel, it has agreed to share the costs of relocating the duct bank.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Sharing the cost of the relocation of the duct bank would further the Authority’s interest in promoting transit-oriented development and encourage a positive working relationship between the City and GCRTA. It will also prevent future disruption of electrical service to the new Warrensville/Van Aken substation and rail service along on the Blue Line.
- 6.0 **ECONOMIC IMPACT:** The total estimated cost of the relocation of the CEI duct bank is \$189,786.57. GCRTA would apply the \$26,009.45 cost of installing electrical service at the current location to the relocation cost. The remaining cost of \$163,777.12 would be split equally between the City and GCRTA, with each party contributing \$81,888.56. If there are any unanticipated construction costs above the \$163,777.12, the parties will split the unanticipated costs equally, until the City’s total contribution reaches \$114,643.98. Thereafter, GCRTA will be responsible for any remaining unanticipated construction costs. The City’s contribution will save GCRTA up to \$114,643.98 towards the cost of relocating the duct bank.

- 7.0 ALTERNATIVES: GCRTA can refrain from entering into the interagency agreement with the City, which would cause GCRTA to lose the City's contribution towards the cost of the project.
- 8.0 RECOMMENDATION: The interagency agreement was discussed with the Board of Trustees at the January 11, 2022 Operational Planning & Infrastructure Committee meeting and at the January 25, 2022 Committee of the Whole meeting. It is recommended that the Board of Trustees approve the resolution authorizing the General Manager, Chief Executive Officer to enter into an interagency agreement with the City.
- 9.0 ATTACHMENTS: None.

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



General Manager, Chief Executive Officer